ΒΙΑΘΑΝΑΤΟΣ.

A DECLARATION OF THAT PARADOXE, OR THESIS, that

Selfe-homicide is not ſo Naturally Sinne, that it may never be otherwiſe.

WHEREIN

The Nature, and the extent of all thoſe Lawes, which ſeeme to be violated by this Act, are diligently ſurveyed.

h*-6-46

Written by IOHN DONNE, *who afterwards received Orders from the Church of* England, *and dyed Deane of Saint* Pauls, London.

Jo: Sareſb. de nugis Curial. Prolog.

Non omnia vera eſſe profiteor. Sed legentium uſibus inſervire.

Publiſhed by Authoritie.

LONDON,
Printed by *John Dawſon*,

1097.99

TO THE
Right Honourable
THE LORD
PHILLIP HARBERT.

My Lord,

Although I have not exactly obeyed your commands, yet, I hope, I have exceeded them, by presenting to your Honor, this *Treatise,*

tise, which is, so much the better, by being none of mine owne, and may therefore peradventure, deserve to live, for facilitating the Issues of Death.

It was writ long since, by my Father, and by him, forbid both the Presse, and the Fire; neither had I subjected it now, to the publique view, but that, I could finde no certaine way to defend it from the one, but by committing it to the other; For, since the beginning of this War, my Study having been often searched, all my Books (and almost my braines, by their continuall allarums) sequestred, for the use of the Committee; two dangers

appeared more eminently to hover over this, being then a Manuscript; a danger of being utterly lost, and a danger of being utterly found, and fathered, by some of those wild Atheists, who, as if they came into the World by conquest, owne all other mens Wits, and are resolved to be learned, in despite of their Starres, that would fairely have enclined them, to a more modest, and honest course of life.

Your Lordships Protection will defend this Innocent from these two Monsters, Men that cannot write, and Men that cannot reade, and, I am very confident all those that can, will think it

it may deserve this favour from your Lordship; For, although this Booke appeare under the notion of a Paradox, yet, I desire your Lordship, to looke upon this Doctrine, as a firme and established truth,

Da vida osar morir.

Your Lordships

most humble Servant

From my house in Covent-Garden. 28. Io: Donne.

Authors cited in this Booke.

Beza.
B. Dorothaus.
Bosquierus.
Athenagoras.
Cansæus.
Trismegistus.
Theodoricus A. Niem.
Stenchius Eugubi.
Ennodius.
Pererius
Zamb arus
Alcoran
Corpus Iur: Canon.
Carbo, Summa Summarum
Polidorus Virgilius
Natalius Metellus, Præfat. in Osor. Histor.
Pierius
S. Ambrosius
Cardanus
Tholosa: Syntagm.
S. Cyprianus
Hadri: Junius
Emanuel Sà
Nicephorus
S. Gregorius
Vasques
Clarus Bonarscius
Corpus Iur: Civil.
Binnius
Bracton
Plowden
A: Gellius
Tertullian
Climachus
Basil
Filesacus
Campianus
S. Hieronimus
Ben: Gorion
Plinius
Palcotus de Noth.
Canones Pœnitent:
Clemens Alex:
Sotus
Bodin

Sylvius
Middendorpius
Lucidus
Arpilcueta
Fabricius Hist: Citero.
Windeckus
Lipsius
Porphyrius
Damasus
Feuardentius
Eusebius
Vincentii Speculum
Pratcolus
Diodorus Siculus
Tho: Morus
Anto: Augustin.
P. Manutius
Sebast: Medices
Scotus
Calvinus
Forestus de Venen.
Serarius
Biblia Sacra
Humfredus Angl.
Mallonius in Palcotti Sindon.
S. Chrysostomus
Pontius Paulinus
Aquinas
Azorius
Sayr

Elianus
Cajetanus
S. Augustinus
Artemidorus
I. Cæsar
Josephus
Vegetius
Acacius
Jo: Picus
Hermius
Latinus Pacatus
Platina
Baronius
Ignatius
Alfon: Castro
Schultingius
Plato
Simancha
Alb: Gentilis
Pruckmannus
P. Pomponatius
Boxdorfius
Anto: de Corduba
Thyræus
Lavater
Nauclerus
Quintilianus
Toletus
Sulpitius
Adrianus Quodlib.
Beccaria

Vita

Vita Phil: Neril
Maldonatus
Bonaventura
Gregor: Nazianz.
Canones Apostolorum
Lucas de Penna
Optinellus
Laertius
Binsfeldius
Pedraça
Sextus Senensis
Paracelsus
Metaphrastes.
Surius
Gregor: de Valentia
Brentius
Theophilact
Hesic ius
Marloratus
Schlusselburgius
Agapetus
Reuchlin
Martialis ad Thalo:
Saravia
Sylvester
Liber Coformitatum S. Franc. et Christi.
Cassianus
Procop. Gazæus
Ardoinus
Greg. Turon
Supplem. Chronic.
Nazarius Paneg.
Menghi
Ioan. de Lapide
Hippocrates
Bellarminus
Revelation. Brigidæ
Regul. Iesuit.
Franc. Gregorius
Oecumenius
Origenes
Alcuinus
Corn Celsus
Idiotæ Contemplatio de morte
Baldus
Aristoteles
Stanford
Bartolus
P. Martyr
Declaration des Docteurs en France
Sedulius Minorita
Io. Gerson
Lylius Geraldus
Mariana
Sansovinus
Lambert
Fra. a Victoria
Wierus

*Keppleru*s	*Schultetus*
Lyra	*Euthymius*
Burgenſis	*Paterculus*
P. Lombard	*Caßaneus*
Sophronius	

IN citing theſe authors, for thoſe which I produce only for ornament and illuſtration, I have truſted my owne old notes; which though I have no reaſon to ſuſpect, yet I confeſs here my lazines; and that I did not refreſh them with going to the Originall. Of thoſe few which I have not ſeene in the bookes themſelves, (for there are ſome ſuch, even of places cited for greateſt ſtrength,) beſides the integrity of my purpoſe, I have this ſafe defence againſt any quarreller, that what place ſoever I cite from any Catholique Author, if I have not conſidered the Book it ſelfe, I cite him from another Catholique Writer. And the like courſe I hold in the Reformers. So that I ſhall hardly be condemned of any falſe citation, except to make me Acceſſorie, they pronounce one of their owne friends principall.

A distribution of this Book, into Parts, Distinctions, and Sections.

Preface.

1 THe *Reason of this Discourse.*
2 *Incitements to charity towards those which doe it.*
3 *Incitements to Charity towards the Author.*
4 *Why it is not inconvenient now to handle this.*
5 *Dessentions among schollars more, and harder to end then among others.*
6 *In such perplexities we ought to incline to that side which favours the dead.*
7 *Why I make it so publique.*
8 *What reader I desire to have.*
9 *The reason why there are so many citations.*
10 *God punisheth that sin most, which occasions most sin in others.*

The first part, first Distinction, first Section.

1 *Why we first prove, that this sin is not irremissible.*

Sect. 2.

1 *Three sorts of mistakers of this sin.*

Sect. 3

1 *That all desperation is not haynous; and that Self-homicide doth not alwaies proceed from desperation.*
2 *It may be without Infidelity.*

3 *When it is* poena peccati *it is* involuntarium.
4 *The reason why men ordinarily aggravate desperation.*
5 *Of the second opinion, which is of impenitiblenes.*
6 *Of* Calvins *opinion, that it may be.*
7 *None impeccable, nor impenitible.*

Sect. 4.

1 *Of the third sort, which presume actuall impenitence by reason of this Act.*
2 *Which is the safer side in doubtfull cases.*
3 *In* Articulo Mortis, *the* Church *ever interprets favourably.*
4 *What true repentance is by* Clement.
5 *Witnesses which acquit, more credited, then they which accuse, in the Cannon Law.*

Sect. 5.

1 *Why we may use the Ordinary definition of Sin taken from Saint* Augustine, *and follow another taken from* Aquinas.
2 *Of the torturing practice of Casuists.*
3 *Of the eternall Law of God, in Saint Augustines Definition, against which a man may doe without sinne.*
4 *Of the Definition which we follow.*

Sect. 6.

1 *How Law of Nature, and of reason, and of God exhibited in this definition, are all one: and how they may be accepted.*
2 *In some cases all these three Lawes may be broken at once. As*
3 *In revealing a secret.*
4 *In Parricide.*

Sect. 7.

1 *Of the Law of Nature, and that against it strictly taken, either no sinne, or all sinne is done.*
2 *To doe against Nature makes us not guilty of a greater sinne, but more inexcusable.*
3 *No action so evill, that it is never good.*

4 *No evill in act, but disobedience.*

5 *Lying naturally worse then* Selfe-homicide.

6 *Fame may be neglected: yet we are as much bound to preserve fame, as life.*

7 *God cannot command a sinne, yet he can command a murther.*

8 *Orginall sin, cause of all sin, is from nature.*

Sect. 8.

1 *That if our Adversaries by Law of nature mean only sensitive Nature, they say nothing, for so most vertuous actions are against nature.*

Sect. 9.

1 *As the Law of nature is* recta ratio, *that is,* Jus gentium. *So immolation, and Idolatry are not against law of Nature.*

Sect. 10.

1 *As reason is the form, and so the nature of a man, every sinne is against nature: yea, whatsoever agrees not exactly with Christian Religion.*

2 *Vertue produced to Act, differs so from Reason, as a medicine made and applyed, from a boxe of drugs.*

Dist. 2. Sect. 1.

1 *Sinnes against Nature in a particular sense, are by schoolmen said to be unnatural Lusts, and This. But in Scripture only the first is so called.*

2 *Of the example of the Levite in the Judges, where the Vulgate Edition, calls it sin against Nature.*

3 S. Pauls *use of that phrase Law of Nature, in long haire.*

4 Vegetius *use of that phrase.*

Sect. 2.

1 *Self preservation is not so of particular Law of Nature, but that Beasts naturally transgresse it, whom it binds more then us. And we, when the reason of it ceases in us, may transgresse it, and sometimes must.*

2 *Things natural to the Species, are not alwaies so to the* Individuall.

3 *Thereupon ſome may retire into Solitude.*
4 *The firſt principles in Naturall Law, are obligatory, but not deductions from thence, and the lower we deſcend the weaker they are.*
5 *Pellicans. And by* S. Ambroſe, *Bees kill themſelves.*
6 *The Reaſon of almoſt every law is mutable.*
7 *He that can declare where the reaſon ceaſes, may diſpence with the Law.*
8 *In what manner diſpenſations worke.*
9 *As nothing can annull the prerogatives of Princes or of Popes, though their own act ſeem to provide againſt it, ſo no law ſo much deſtroyes mans liberty, but that he returns to it, when the reaſon of that law ceaſes.*
10 *Self-preſervation, which is but an appetition of that which is good in our opinion, is not violated by* Self-homicide.
11 *Liberty, which is naturally to be preſerved, may be departed withall, when our will is to doe ſo.*

Sect. 3.

5 *That cannot bee againſt law of nature, which men have ever affected, if it be alſo (as this is) againſt ſenſitive nature, and ſo want the allurements which other ſins have.*
2. *There are not ſo many examples of all other vertues, as are of this one degree of fortitude.*
3 *Of* Romane *Gladiators. Of their great numbers, great perſons, and women.*
4 *With how ſmall perſuaſion* Eleazar *in* Ioſephus *drew men to it.*
5 *Wives in the* Indies *doe it yet.*
6 *The* Samanæi *Prieſts in the* Indies, *notorious for good life and death did it.*
7 Latinus Pacatus *expreſſeth this deſire pathetically.*
8 *By what means the Spaniards corrected this naturall deſire in the* Indies. Diſt. 3. Sect. 1.
1 *After civility and chriſtianity quenched this naturall deſire, in the place thereof ſucceeded a thirſt of Martyrdome.*

How

The Contents.

2 *How leasurely the custome of killing at funerals wore out.*

3 *Philosophers saw, and* Moses *delivered the state of the next life, but unperfectly.*

Sect. 2.

1 *That Martyrdome was by the Fathers insinuated into men for the most part by naturall Reasons, and much upon humane respects.*

2 *So proceeded* Clement.

3 *So did* Tertullian.

4 *So did* Cyprian.

5 *Externall honours to Martyrs.*

6 *Monopoly of Martyrdome.*

7 *Gods punishments upon their persecutors encouraged men to it.*

8 *Priviledges of Martyrs extended to many.*

9 *Contrary Reasons cherisht this desire in them.*

10 Libellatici, *or compounders with the state, in* Cyprian.

11 *Flight in persecution condemned by* Tertullian.

12 *Death grew to be held necessary to make one a Martyr.*

13 *In times when they exceeded in indiscreet exposings of themselvs, they taught that Martyrs might be without death.*

14 *Professors in* Cyprian, *men who offred themselves before they were called.*

15 *Enforcers of their own Martyrdome.*

16 *Examples of inordinate affecting of Martyrdome.*

17 *Lawes forbidding more executions, made to despite Christians.*

18 *Glory in their number of Martyrs.*

Sect. 3.

1 *That Heretick's noting the dignity gaind by Martyrdome, laboured to avert them from it, but could not correct this naturall inclination.*

2 *They laboured the Magistrate to oppose this desire.*

3 Basilides *denyed Christ to have been crucified; and*

that therefore they dyed madly.

4 Helchesar, *that outward profession of Religion was not needfull; much lesse Martyrdome.*

5 *Which also the* Gnostici *taught, and why they prevailed not.*

Sect. 4.

1 *That Heretiques missing their purpose herein, tooke the naturall way of overtaking the Orthodox in numbers of Martyrs.*

2 Petilians *new way of Martyrdome.*

3 *Another new way of the* Circumcelliones, *or* Circuitores.

4 *The* Cataphrygæ *exceed in number.*

5 *The* Euphemitæ *for their numbers of Martyrs called* Martyrians.

Sect. 5.

1 *Hereupon Councels tooke it into their care to distinguish Martyrs, from those who dyed for naturall and humane respects.*

Sect. 6.

1 *Therefore later Authors doe somewhat vomit the dignity of Martyrdome.*

2 *The Jesuits still professe an enormous love to such death.*

Distinction 4. Sect. 1.

1 *Lawes and Customes of well polished Estates having admitted it, it were rash to say it to be against Law of Nature.*

2 *True and Ideated Common-wealthes have allowed it.*

3. 4. Athenians, Romans.

5 *Of* Depontani.

6 Ethiopians.

7. *All Lawes presume this desire in men condemned.*

8 *In* Utopia *authorized.*

9. *And by* Plato *in certaine cases.*

10 *Conclusion of the first Part.*

The

The Contents.

The Second Part of the Law of Reason.

Distinct. 1. Sect. 1.

1 *That the Law of Reason is, Conclusions drawn from primary Reason or light of Nature, by discourse.*

2 *How much strength such deduced reasons have.*

Sect. 2.

1 *Of this kind of reasons generall Lawes have greatest authoritie.*

2 *For it is of their essence that they agree with the Law of Nature.*

3 *And there is better testimony of their producing, then of particular mens opinions.*

Sect. 3.

1 *Of Lawes, the Imperiall Law ought first to be considered.*

2 *The reason of that Law is not abolished; but the confession of our dependancie upon it.*

3 *Why it is called Civill Law.*

4 *Of the vastnes of the books from whence it is concocted, and of the large extent thereof.*

5 *That yet in this so large Law there is nothing against our cause.*

6 *Of the Law of* Adrian *concerning this in Souldiers.*

7 *Of the other Law concerning this in offenders already accused.*

Dist. 2. Sect. 1.

1 *Of the Cannon Law.*

2 *The largenes of the subject, and object thereof.*

3 *Of* Codex Canonum, *or the body of the Canon Law, in use in the primitive Church.*

Of the Additions to this Code since.

4 *Canon Law apter to condemn then the Civil, and why.*

Sect. 2.

1 *That this proposition is not heretical by the Canon Law.*

2 Simancha *his large Definition of Hæresy.*
3 *No decision of the church in the point.*
4 *Nor Canon nor Bull.*
5 *Of the common opinion of Fathers, and that that varies by times, and by places by* Azorius.
7 Gratian *cites but two Fathers, whereof one is on our side.*
8 *That that part of Canon Law, to which Canonists will stand, condemns not this.*
9 *A Catholique Epi. censure of* Gratian, *and his decree.*

Sect. 3.

1 *What any Councells have done in this point.*
2 *Of the Councell of* Antisidore *under* Greg. 1. 590.
3 *That it only refused their oblations.*
4 *That it was only a Diocesan Councell.*
5 *The Councell of* Braccar. *inflicts two punishments.*
6 *The first, of not praying for them is meant of them who did it, when they were excommunicate.*
7 *The second, which is denying of buriall, is not always inflicted as a punishment, to an offender; as appears in a punishment to an offender; as appears in local interdict.*
8 Romans *buried such offenders as had satisfied the law within the Towne, as they did Vestalls and Emperours.*

Dist. 2 Sect. 1.

1 *Of the Laws of particular Nations.*
2 *Of our Law of* Felo de se.
3 *That this is by our Law Murder, and what reasons entitle the King to his good.*
4 *That our naturall desire to such dying, probably induced this customary Law.*
5 *As in States abounding with slaves, Law-makers quenched this desire, lest there should have borne no use of them.*
6 *Forbid lest it should draw too many: as hunting, and usury: and as wine by* Mahomet.
7 *Upon reason of generall inclinations we have severe Laws against theft.*
8 *When*

8 *When a man is bound to steale.*
9 Sotus *his opinion of Day-sheenes.*
10 *Of a like law against* Self-homicide *in the Earldome of Flanders.* Sect. 2.
1 *Severe Laws are arguments of a generall inclination, not of a hainousnes in the fact.*
2 *Fasting upon Sundays extremely condemned upon that reason.*
3 *So Duells in* France.
4 *So Bull-baitings in* Spaine.
5 *The hainousnes of Rape, or Witch-craft are not diminished, where the Laws against them were but easie.*
6 *Publike benefit is the rule of extending odious Laws, and restraining favourable.*
7 *If other nations concurre in like Laws, it sheweth the inclination to be generall.*
Sect. 3.
1 *The Custome of the Iews not burying till Sunn-set, and of the Athenians cutting off the dead hand evict not.*
Sect 4.
1 *The reasons drawne from remedies, used upon some occasions to prevent it, prove as little.*
Dist. 4. Sect. 1.
1 *Of the reasons used by particular men, being divines.*
2 *Of* S. Aug. *and of his arguments against* Donatus.
3 *Of* S. Augustine *comparatively with other Fathers.*
4 *Comparison of* Navar *and* Sotus.
5 *Iesuits often beholding to* Calvin *for his expositions.*
6 *In this place we differ not from* S. Augustine.
7 *Nor in the second cited by* Gratian.
8 *That there may be* Causa puniendi *sine culpa.*
9 *As* Valens *the Emperor did misse* Theodosius, *So* S. Augustine *praetermitted the right case.*
10 *Of* Cordubensis *rule, how we must behave our selves in perplexities.*
11 *How temporall reward may be taken for spirituall offices.*

12 *Of* Pindarus *death praying for he knew not what.*

13 *In one place we depart from S.* Augustine *upon the same reason, as the Iesuite* Thyraus *doth depart from him in another.*

Sect. 2.

1 *The place cited by* Gratian *out of S.* Hierome, *is on our side.*

Sect. 3.

1 Lavaters *confession, that* Augustine, Hierome, Chrysostome, Lactantius, *are of this opinion.*

Sect. 4.

1 *Of* Peter Martyrs *reason,* Mors malum.

2 Clement *hath long since destroyed that reason.*

3 *Of* Malum pœnæ, *how farre it may be wished, and how farre it condemnes.*

4 *Possessed men are not alwaies so afflicted for sinne.*

5 *Damnation hath not so much* rationem mali, *as the least sinne.*

6 *If Death were of the worst sort of evill, yet there might be good use of it, as of Concupiscence.*

7 *In what sense S.* Paul *calles Death Gods enemy.*

8 *Death, since Christ, is not so evill as before.*

Sect. 5.

1 *Of* Peter Martyrs *reason,* Vita donum Dei.

Sect. 6.

1 *Of* Lavaters *reason of Iudges in all causes.*

2 *Where Confession is not in use, there is no Iudge of secret sinne.*

3 *Of the Popes Iurisdiction over himselfe.*

4 *Of such Iurisdiction as other persons by Civil lawes.*

5 *Iohn 22. stiled himselfe Pope.*

6 *Iurisdiction over our selves is therefore denyed us;*

7 *because we are presumed favourable to our selves, not in cases esteemed hurtfull.*

8 *In cases hurtfull we have such Iurisdiction.*

9 *Oath of* Gregory *in the great Schisme.*

10 *When a man becomes to be* sui Juris.

11 *Warre is just betweene Soveraigne Kings, because they have no Judge.*

12 *Princes give not themselves priviledges; but declare that in that case they will exercise their inherent generall Priviledge.*

Sect. 7.

1 Josephus *reason of* Depositum.

2 *A Depositarie cannot be accused* De Culpa, *but* De Dolo.

3 *A secret received* Data fide *is* In natura Depositi.

Sect. 8.

1 *Of similitudinary reasons in Authors not Divine.*

Sect. 9.

1 *Of* Josephus *his reason of* Hostis.

Sect. 10.

1 *Of* Josephus *reason of* Servus.

Sect. 11.

1 *Of* Josephus *reason of a Pilot.*

Distinct. 5. Sect. 1.

1 *Of Saint* Thomas *two reasons from Justice, and Charitie.*

2 *Of that part of injustice, which is stealing himselfe from the State.*

3 *Monastike retyring is,* in genere rei, *the same fault.*

4 *The better opinion is, that there is herein no injustice.*

5 *Of the other Injustice, of usurping upon anothers Servant.*

6 *Though we have not* Dominium, *we have* Usum *of this life: And we may relinquish it when we will.*

7 *The State is not Lord of our life, yet may take it away.*

8 *If injustice were herein done to the State, then by a licence from the State it may be lawfull.*

9 *And the State might recompence her Damage upon the goods or Heir of the Delinquent.*

10 *In a man necessary to the State, there may bee some injustice herein.*

11 *No man can doe injurie to himselfe.*
12 *The question whether it be against Charity, respited to the third part.*

Sect. 2.

1 *Of* Aristotles *two reasons of Misery and Pusillanimitie.*

Distinct. 6. Sect. 1.

1 *Of reasons on the other side.*
2 *Of the Law of* Rome, *of asking the Senate leave to kill himselfe.*
3 *Of the case upon that Law in* Quintillian.

Sect. 2.

1 *Comparisons of desertion and destruction.*
2 *Of Omissions equall to committings.*

Sect. 3.

3 *In great faults the first step imprints a guiltines, yet many steps to* self-homicide *are allowable.*
4 Dracoes *lawes against* homicide *were retained for the hainousnes of the fault.*
5 Tolets *five* Species *of* Homicide.
6 *Foure of those were to be found in* Adams *first* Homicide *in Paradise.*

Sect. 4.

7 *Of* Tolets *first and second* Species, *by Precept, and by Advise, or Option.*
8 *We may wish* Malum poenae *to our selves, as the Eremite prayed to be possessed.*
9 *That we may wish death for wearines of this life.*
10 *It is sin to wish the evill were not evill, that then we might wish it.*
11 *Of wishing the Princes Death.*
12 *In many opinions by contrary Religion, a true King becomes a Tyrant.*
13 *Why an oath of fidelity to the Pope binds no man.*
14 *Who is a Tyrant by the declaration of the learned men of* France.

15 *How Death may be wished by* Calvins *opinion.*
16 *How we may wish death to another for our own advantage.*
17 Phil. Nerius *consented that one who wished his own death might have his wish.*

Sect. 5.

1 *Of* Tolets *third* Species *of* Homicide, *by permission, which is* Mors Negativa.
2 *Of standing mute at the Barre.*
3 *Three Rules from* Scotus, Navar, *and* Maldonate, *to guide us in these desertions of our selves.*
4 *That I may suffer a Theif to kill me, rather then kill him.*
5 *Of* Se defendendo *in our Law.*
6 *That I am not bound to escape from prison if I can. Nor to eate, rather then starve,*
7 *For ends better then this life we may neglect this.*
8 *That I may give my life for another.*
9 Chrysostomes *opinion of* Sarahs *lie, and her consent to Adultery. And S.* Augustines *opinion of this, and of that wife, who prostituted her selfe to pay her husbands debts.*
10 *That to give my life for another, is not to preferre another before my selfe, as* Bonaventure *and* August. *say; But to prefer vertue before life; which is lawfull.*
11 *For spirituall good it is without question.*
12 *That I may give another that without which I cannot live.*
13 *That I may lawfully wear out my self with fasting.*
14 *That this in* S. Hier. *opinion is* Selfe-homicide.
15 *Of the Fryer whom* Cassianus *calls a* Self-homicide, *for refusing bread from a theife, upon an indiscreet Vow.*
16 *Of Christs fast.*
17 *Of Philosophers inordinate fasts.*
18 *Of the Devils threatning S.* Francis, *for fasting.*
19 *Examples of long fasts.*
20 *Reasons, effects, and obligations to rigorous fastings.*

Corollary of this Section of Desertion.

Sect. 6.

1 *Of another* Species *of* homicide, *which is not in* Tolets *division by Mutilation.*

2 *Of Delivering ones selfe into bondage.*

3. *By divers Canons* homicide *and mutilation is the same fault.*

4 *Of* Calvins *argument against Divorce, upon this ground of Mutilation.*

5 *The example of* S. Mark, *cutting off his thumbe to escape Priesthood.*

6 *In what cases is it clear, that a man may maime himself.*

Sect. 7.

1 *Of* Tolets *fourth* Species *of* Homicide, *by actual helping.*

2 Ardoynus *reckons a flea amongst poysons, because it would destroy.*

3 David *condemned the Amalekite, who said he had helped* Saul *to kill himselfe.*

4 Mariana *the Iesuite is of opinion, that a King which may be removed by poyson, may not be put to take it by his owne hands though generantly, for he doth then kill himselfe.*

5 *That a malefactor unaccused may accuse himself.*

6 *Of* Sanfovins *relation of our custome at executions, and withdrawing the pillow in desperate cases.*

7 *Of breaking the leggs of men at executions, and of breaking the halter.*

8 *Of the formes of purgations used by* Moses *Law in cases of Iealousy.*

9 *Of formes of Purgation called* Vulgares.

10 Charlemaine *brought in a new forme of purgation.*

11 *And* Britius *a Bishop, being acquitted before, extorted another purgation upon himselfe.*

12 *Both kindes of* Ordalium, *by water, and fire, in use here, till King* Johns *time.*

13 *In all these purgations, and in that by Battaile, the party himself assisted.*

14 *Exam-*

14 *Examples of actuall helpers to their owne destruction in S.* Dorotheus *doctrine.*

15 *Of* Ioseph *of* Arimathea *his drinking of poyson.*

16 *Of S.* Andrew *and S.* Lawrence.

17 *Casuists not cleere whether a condemned man may doe the last act to his death.*

18 *But in cases without condemnation, it is* sub præcepto *to Priests, Curats, to goe to infected houses.*

Sect. 8.

1 *Of* Tolets *last species of* Homi-cide *which is the act it selfe.*

2 *How farre an erring conscience may justify this act.*

3 *Of* Pythagoras *philosophicall conscience, to dy, rather then hurt a Beane, or suffer his schollers to speak.*

4 *Of the apparition to* Hero *a most devout Eremite, by which he killed himself, out of* Cassianus.

5 *That the Devill sometime sollicites to good.*

6 *That by* Uasques *his opinion, it is not Idolatry to worship God in the devil.*

7 *Rules given to distinguish evil spirits from God are all fallible.*

8 *Good Angels sometimes move to that which is evill, being ordinarily and morally accepted.*

9 *As in mis-adoration by* Vasques, *invincible ignorance excuses, so it may in our cases.*

10 *Of S.* Augustines *first reason against* Donatus, *that we may save a mans life against his will.*

11 *Of his second reasons, which is want of examples of the faithfull. And of S.* Augustines *assured escape, if* Donatists *had produced Examples.*

12 *Divorce in* Rome *on either part, And in* Jury, *on the woemans part long without example.*

13 *Saint* Augustines *Schollers in this point of examples, in* Stubborne *as* Aristoteles, *for the inalterablenesse of the Heavens, though the reason of both be ceased.*

14 *Of the Martyr* Apollonia *who killed her selfe.*

15 *Of*

15 *Of answers in her excuse.*

16 *Of the Martyr* Pelagia *who killed her selfe.*

17 *Though her History bee very uncertaine, yet the Church seems glad of any occasion to celebrate such a fact.*

18 *Saint* Augustines *testimony of her.*

19 *Saint* Ambroses *Meditation upon her.*

20 Eusebius *his Oration incitatory, imagined in the person of the Mother.*

21 *Saint* Augustines *first of any doubting of their fact, sought such shifts to defend it, as it needed not.*

22 *S.* Augustines *example hath drawne* Pedraca *a Spanish Casuist, and many others, to that shift of speciall Divine inspiration, in such cases.*

23 *And so sayes* Peter Martyr *of the Midwives, and of* Rahabs *lye.*

24 *To preserve the Seale of Confession, a man may in some case be bound to doe the intire act of killing himselfe.*

The Third Part, which is of the Law of God.

Distinct. 1 Sect. 1.

1 *An introduction to the handling of those places of Scripture.*

2 *Why I forbeare to name them who cite those places of Scripture.*

3 *If any oppose an answer, why I intreat him to avoide bitternes.*

4 *Why Clergy men, which by Canons may fish, and hunt, yet may not hunt with dogs.*

5 *Of* Bezas *answer to* Ochius *Polygamy.*

Distinction 2. Sect. 1.

1 *No place against this* Self-homicide, *is produced out of the Judiciall or Ceremoniall Law.*

Sect. 2 1 *Of the place* Gen. 9.5. I will require your blood.

2 *We are not bound to accept the interpretation of the Rabbins.*

3 *Of*

3 Of Lyra, and of Emmanuel Sâ, both abounding in Hebraisms, yet making no such note upon this place,

Sect. 3. 1 Of the place Deut. 33. 39. I kill, and I give life.

2 Iurisdiction of Parents, Husbands, Masters, Magistrates, must consist with this place.

3 This place must be interpreted as the other places of Scripture, which have the same words. And from them, being three, no such sence can be extorted.

Sect. 4. 1 Of the place Iob 7. 1. vita militia.

2 Why they cite this place according to the vulgare copy.

3 Of Soldiers priviledges of absence by Law.

4 Iobs scope is, That as warre marks to peace, so heere we labour to death.

5 Of Christs letter to King Abgarus.

Sect. 5. 1 Of another place in Iob 7. 15. Anima elegit suspendium.

2 Why it was not lawfull to Iob to kill himself.

3 His words seeme to shew some steps toward a purpose of Self-homicide.

4 Of Sextus Senensis, and of Gregories expositon thereof

5 How I differ from the Anabaptists, who say that Iob despaired.

6 S. Hierome, and the Trent Councell incurre this errour of condemning all which a condemned man saies.

7 Very holy and learned men impute a more dangerous despaire to Christ, then I doe to Iob.

Sect. 6. 1 Of the place Io. 2. 4. Skin for Skin &c.

Sect. 7. 1 Of the place Eccles. 30. 16. There is no riches above a sound body.

2 This place is not of safety, but of health.

Sect. 8. 1 Of the place Exod. 20. Thou shalt not kill.

2 S. Augustine thinks this Law to concerne ones self more directly, then another.

3 This Law hath many exceptions.

4 Lawes of the first table are strictioris vinculi, then of the second.

5 *A case wherein it is probable that a man must kill himself, if the person be exemplar.*

6 *As Laws against Day-theeves may be deduced from the Law of God authorizing Princes, So may this from the commandement, of preferring Gods glory.*

7 *Whatsoever might have been done before this Law, this Law forbids not.*

Sect. 9. 1 *Of the place* Wisd. 1. 12. *Seek not death.*

Distinct. 3. Sect. 1.

1 *Of the place* Mat. 4. 6. *Cast thy self downe.*

2 *That Christ when is conduced to his owne ends, did as much, as the devill tempted him to, in this place.*

Sect. 2. 1 *Of the place* Acts 16. 17. *Do thy self no harme.*

2 S. Paul *knew Gods purpose of baptizing the Iaylour.*

3 *For else saith Calvin, he had frustrated Gods way of giving him an escape by the Iaylours death.*

Sect. 3. 1 *Of the place* Rom. 3. 8. *Do not evill for good.*

2 *In what sence* Paul *forbids this.*

3 *God always inflicts* malum poenæ *by instruments.*

4 *Induration in selfe is sometimes meritorious.*

5 *We may inflict upon our selves one disease, to remove another.*

6. *In things evill, in that sense as* S. Paul *takes the word here, Popes daily dispense.*

7 *So doe the Civill Lawes.*

8 *So doe the Canons.*

9 *So doth God occasion lesse sins to avoid greater.*

10 *What any other may dispense withall in, in cases of extremity, we may dispense with in our selves.*

11 *Yet no dispensation changes the nature of the thing, and therefore that particular thing was never evill.*

12 *The Law it self, which measures actions, is neither good nor evill.*

13 *Which* Picus *notes well, comparing it to the firmament.*

14. *What*

14 What evill S. Paul forbids here, and why.
15 Nothing which is once evil, can ever recover of that.
16 These gifts were in Gods decree preserved from those staines of circumstances, which make things evill: So in Miracles were written in his book of Nature, though not in our copy thereof; and so, as our Lady is said to be preserved from Originall sinne.
17 Of what kind was Moses killing of the Egyptian.
18 If this place of Paul, be understood of all evill.
19 Yet is must admit exception, as well as the Decalogue it selfe.
20 Otherwise that application which Bellarmine and others doe make of it will be intolerable.
Sect. 4. 1. Of divers places which call us, Temples of God.
2 The dead are still his Temples and Images.
3 Heathen Temples might be demolished, yet the Soyle remained Sacred.
4 S. Pauls reasonholds in cases where we evills our bodies, here we advance them.
5 How we must understand that our body is not our own.
Sect. 5. 1. Of the place, Eph. 4. 15. One body with Christ.
2 This place gives Arguments to all which spare not themselves for releif of others, and therefore cannot serve the contrary purpose.
Sect. 6. 1. Of the place Eph. 5. No man hates his own flesh.
2 How Marlorate expounds this Text.

Distinct. 4. Sect. 1.

1 Of the places of Scripture on the other part.
2 We may, but our Adversaries may not make use of Examples. To which the answer of Martyr and Lavater is weake
3 The Nature, Degrees, and Effects of Charity.
4 S. Augustines description of Her. Of her highest perfection beyond that which Lombard observed out of Aug.
5 He who loves God with all his heart, may love him more.

6 *Any suffering in Charity, hath infallibly the grace of God; by* Aquin.

Sect. 2. 1. *Of the place* 1 Cor. 13. 4. *Though I give my Body.*

2 *By this, it was in common reputation, a high degree of perfection to die so, and Charity made it acceptable.*

3 *S.* Paul *speaks of a thing which might lawfully be done, for such are all his gradations in this Argument.*

4 *Tongues of Angels, in what sense in this place.*

5 *Speech in the Asse, understandings of prophesies in* Iudas, *or miraculous faith, make not the possessour the better.*

6 *How I differ from the Donatists, arguing from this place, that in charity there* Self-Homicides *were always lawfull.*

7 *To give my body, is more then to let it be taken.*

8 *How* Nicephorus *the Martyr gave his Body in* Sapritius *his roome who recanted.*

9 *There may be some case that a man who is bound to give his body, cannot doe it otherwise then by* self-homicide.

Sect. 3. 1. *Of the place* Joh. 10. 11. & Joh. 15. 13. *The good Shepheard.*

2 *That a man is not bound to purge himself, if anothers crime be imputed to him.*

Sect. 4. 1 *Of the place* Ioh. 13. 37. *I will lay down my life.*

2 Peters *readines was naturall*; Pauls *deliberate.*

Sect. 5. 1. *Of the place* Ioh. 10. 15. *Of Christs example.*

2 *Why Christ spoke this in the present time.*

3 *Of the abundant charity of Christ.*

4 *Of his speech going to* Emmaus.

5 *Of his Apparition to S.* Charles.

6 *Of the Revelation to S.* Brigid.

7 *Of his mothers charity.*

8 *That none could take away Christs soule.*

9 *His owne will the only cause of his dying so soon, by S.* Augustine.

10 *And by* Aquinas, *because he had still all his strength.*

11 *And*

11 *And by* Marlorate *because he bowed his head, and it fell not, as ours do in death.*

12 *In what sense it is true that the Iewes put him to Death.*

13 *Of* Aquinas *opinion, and of* Silvesters *opinion of* Aquinas.

14 *Christ was so the cause of his death, as he is of his wetting, which might, and doth not shut the window when it rains.*

15 *Who imitated Christ in this actuall emission of the soul.*

16 *Upon What Reasons this manner of dying in Christ is called Heroique, and by like Epithets.*

17 *Christ is said to have done herein, as* Saul *and* Apollonia, *and such.*

Sect. 6. 1 *Of the places* Ioh. 12. 25. Luc. 14. 26. *Of Hating this life.*

2. *Iesuits apply particularly this Hate.*

3. *If the place in the* Ephes. *No man hateth his flesh, be against self-homicide, this place must by the same reason be for it.*

4 *S.* Augustine *denying that this place justifies the Donatists, excludes not all cases.*

Sect. 7. *Of the place* 1 Ioh. 3. 16. *We ought to lay down our lives, &c.*

2 *All these places direct us to doe it so, as Christ did it, unconstrained.*

Sect. 8. 1. *Of the place* Phil. 1. 23. Cupio dissolvi.

2. *Of S.* Pauls *gradations to this wish, and of his correcting of it.*

Sect. 9. 1 *Of the place* Gal. 4. 15. *You would have plucked out your own eyes.*

2 *This was more then* vitam profundere *by* Calvin.

Sect. 10. 1 *Of the place,* Rom. 9. 3. *Anathema.*

2 *That he wished herein* Damnation.

3 *That he considered not his Election at that time.*

Sect. 11. *Of the place*, Exod. 32. 32. Dele me de libro.

2 *That this imprecation was not onely to be blotted out of the History of the Scripture as some say.*

3 *It was stranger that Christ should admit that which might seeme a slip downward, when he wisht an escape from death, then that* Moses *should have such an exaltation upward, as to save his Nation by perishing, yet both without inordinatenesse.*

4 *How by* Paulinus, *a just man may safely say to God,* Dele me.

Distinct. 5. Sect. 1.

1 *Of Examples in Scripture.*

2 *The phrase of Scripture never imputes this Act to any as a sinne, when it relates the History.*

3 Irenæus *forbids man to accuse where God doth not.*

4 Beza *his answer to* Ochius *reason, that some Patriarchs lived in Polygamy, reaches not home to our case.*

5 *For it is not evident by any other place of Scripture, that this is sinne, and here many examples concur.*

Sect. 2. 1 *Examples of Acts which were not fully* selfe-homicides, *but approaches.*

2 *Of the Prophet who punished him that would not strike him.*

3 *That when God doth especially invite men to such violence, he says so plainly. And therefore such particular invitations may not be presumed where they are not expressed.*

Sect. 3. 1 *Of* Jonas.

2 *Why S.* Hierome *calls only* Jonas *of all the Prophets holy.*

Sect. 4. 1 *Of* Samson.

2 *The Church celebrates him as a Martyr.*

3 Paulinus *wishes such a death as* Samsons.

4 *They which deny that he meant to kill himself, are confuted by the text.*

5 *They which say, he intended not his owne death principally, say the same as we doe.*

6 *That*

6 *That S. Augustines answer to this fact, that it was by speciall instinct, hath no ground in the history.*

7 *Of* Sayr *his reason, in confirmation of* Augustine, *That* Samson *prayed.*

8 *Of* Pedraca *his reason, that it was therefore the work of God, because God effected it so, as it was desired.*

9 *That he had as much reason, and as much authority to kill himselfe, as to kill the Philistims. And that was only the glory of God.*

10 *That in this manner of dying, he was a type of Christ.*

Sect. 5. 1 *Of* Saul.

2 *Whether the Amalekite did helpe to kill* Saul. *Whether* Saul *be saved or no.*

3 *In what cases the Iewes, and* Lyra *confesse, that a man may kill himselfe.*

4 Lyra's *reasons why* Saul *is to be presumed to have dyed well.*

5 Burgensis *reason to the contrary; That if* Saul *were excusable, the Amalekite was so too, is of no force.*

5 *Of* Sauls *Armour-bearer.*

Sect. 6. 1 *Of* Achitophel.

2 *He set his house in order, and he was buried.*

Sect. 7. 1 *Of* Judas.

2 *He dyed not by hanging in the opinion of* Euthymius, Oecumenius, Papias *S.* Johns *disciple, and* Theophilact.

3 *By what meanes many places of Scripture have been generally otherwise accepted, then the text enforceth.*

4 Judas *not accused of this in the story, nor in the two Prophetical Psalmes of him.*

5 Origens *opinion of his repentance.*

6 Calvin *acknowledgeth all degrees of Repentance, which the Romane Church requires to Salvation to have been in* Judas.

7 Petilians *opinion that* Judas *was a Martyr.*

8 *His Act had some degrees of Iustice, by S.* August.

Sect. 8. 1 *Of* Eleazar.

2 *All*

2 *All confesse that it was an Act of vertue.*
3 *His destruction was certaine to him.*
4 *He did as much to his owne death, as* Samson.
5 *The reasons of this Act, alleadged in the Text, are Morall.*
6 *Saint* Ambrose *extols this by many concurrences.*
7 Cajetans *reason for justification thereof, is applicable to very many other cases of* Selfe-homicide.

Sect. 9. 1 *Of* Rasis.
2 *His reasons in the Text Morall.*
3 *Whether it be Pusillanimity, as* Aristotle, August. *and* Aquinas *urge.*
4 *Saint* Augustine *confesseth that in* Cleombrotus *it was greatnesse of minde.*
5 *How much great Examples availe.*
6 *That it was reputed Cowardlinesse in* Antisthenes, *being extremely sicke, not to kill himselfe.*
7 *Vpon what reasons* Lyra *excuses this, and like actions.*
8 Burgensis *his reason confesseth that there might have beene just causes for this act.*

Conclusion

1 *Why I refrained discourse of destiny herein.*
2 *Man made of shadow, and the Deuill of fire by the Alcoran.*
3 *Our aduersaries reasons contradict one another.*
4 *No precept given of loving our selves.*
5 *Encouragements to contempt of death.*
6 *Why I abstaine from particular directions.*
7 *Laws forbid ordinary men to cure by extraordinary meanes, yet Kings of* England, *Fra. and* Spaine *do it.*
8 *As* Hierom Origen Chrysost. *and* Cassianus *are excused for following* Plato, *in toleration of a lye, because the church had not then pronounced; so may it be in this.*

THE

THE PREFACE

Declaring the Reasons, the Purpose, the way, and the end *of the AVTHOR.*

BEZA, A man as eminent and illustrious, in the full glory and Noone of Learning, as others were in the dawning, and Morning, when any, the least sparkle was notorious, (a) confesseth of himself, that only for the anguish of a Scurfe, which over-ranne his head, he had once drown'd himselfe from the Millers bridge in *Paris*, if his Uncle by chance had not then come that way; I have often such a fickely inclination. And, whether it be, because I had my first breeding and conversation with men of a suppressed and afflicted Religion, accustomed to the despite of death, and hungry of an imagin'd Martyrdome; Or that the common Enemie find that doore worst locked against him in mee;

1. The reason of this discourse.

a *Epist. ante confessionem.*

Or that there bee a perplexitie and flexibility in the doctrine it selfe; Or because my Conscience ever assures me, that no rebellious grudging at Gods gifts, nor other sinfull concurrence accompanies these thoughts in me, or that a brave scorn, or that a faint cowardlinesse beget it, whensoever any affliction assailes me, mee thinks I have the keyes of my prison in mine owne hand, and no remedy presents it selfe so soone to my heart, as mine own sword. Often Meditation of this hath wonne me to a charitable interpretation of their action, who dy so: and provoked me a little to watch and exagitate their reasons, which pronounce so peremptory judgements upon them.

Incitements to charity towards the doer.

(b) A devout and godly man, hath guided us well, and rectified our uncharitablenesse in such cases, by this remembrance, [*Scis lapsum, &c. Thou knowest this mans fall, but thou knowest not his wrastling, which perchance was such, that almost his very fall is justified and accepted of God.*] For, to this end, saith one, (c) [*God hath appointed us tentations, that we might have some excuses for our sinnes, when he calles us to account.*]

b B. Dorotheus doctrin. 6.

c Bosq. conc. 2.

An uncharitable mis-interpreter unthriftily demolishes his own house, and repaires not onothers. He loseth without any gaine onprofit to any. And, as (d) *Tertullian* comparing and making equall, him which provokes another, and him who will be provoked by another, sayes, [*There is no difference, but that the preamber offended first, And that is nothing, because in evill there is no*

d lib. de patientia.

respect

respect of Order or Prioritie.] So wee may soone become as ill as any offendor, if we offend in a severe increpation of the fact. For, (e) *Climachus* in his *Ladder of Paradise*, places these two steps very neere one another, when hee sayes, [*Though in the world it were possible for thee, to escape all defiling by actuall sinne, yet by judging and condemning those who are defiled, thou art defiled.*] In this thou art defiled, as (f) *Basil* notes, [*That in comparing others sinnes, thou canst not avoid excusing thine owne.*] Especially this is done, if thy zeale be too fervent in the reprehension of others: For, as in most other Accidents, so in this also, Sinne hath the nature of Poyson, that (g) [*It enters easiest, and works fastest upon cholerique constitutions.*] It is good counsell of the Pharises stiled, (h) [*Ne judices proximum, donec ad ejus locum pertingas.*] Feele and wrastle with such tentations as he hath done, and thy zeale will be tamer. For, [(i) *Therefore* (saith the Apostle) *it became Christ to be like us, that he might be mercifull.*]

If therefore after a Christian protestation of an innocent purpose herein, And after a submission of all which is said, not only to every Christian Church, but to every Christian man, and after an entreaty, that the Reader will follow this advise of *Tabaus*, [(k) *Qui litigant, sint ambo in conspectu tuo mali & rei*, and trust neither me, nor the adverse part, but the Reasons, there be any scandall in this enterprise of mine, it is Taken, not Given. And though I know, that the mali-

e *Scala paradis. grad* 3.

f *In quæst. fusc disp. ad q.* 6.

g *Forest. de venen. not. in observat.* 2.

h *Serar. Trihæres. l.* 2. *cap.* 17.

i *Heb.* 2. 17.

Incitements to charity toward the Author.

k *Serar. Trihæres. l.* 2. *cap.* 17.

malitious prejudged man, and the lazy affectors of ignorance, will uſe the ſame calumnies and obtrectations toward me, (for the voyce and ſound of the Snake and Gooſe is all one) yet becauſe I thought, that as in the poole of *Bethſaida*, (l) there was no health till the water was troubled, ſo the beſt way to finde the truth in this matter, was to debate and vexe it, (for (m) [*We muſt as well diſpute* de veritate, *as* pro veritate,]) I abſtained not for feare of miſ-interpretation from this undertaking. Our ſtomachs are not now ſo tender, and queaſie, after ſo long feeding upon ſolid Divinity, nor we ſo umbragious and ſtartling, having been ſo long enlightned in Gods path, that wee ſhould thinke any truth ſtrange to us, or relapſe into that childiſh age, in which (n) a Councell in *France* forbad *Ariſtotles Metaphyſiques*, and puniſhed with Excommunication the excribing, reading, or having that booke.

Why it is not inconvenient now to handle this point.

Contemplative and bookiſh men, muſt of neceſſitie be more quarrelſome then others, becauſe they contend not about matter of fact, nor can determine their controverſies by any certaine witneſſes, nor judges. But as long as they goe towards peace, that is Truth, it is no matter which way. (o) The tutelare Angels reſiſted one another in *Perſia*, but neither reſiſted Gods revealed purpoſe. (p) *Hieronus* and *Gregorie* ſeem to be of opinion, that *Salomon* is damned; *Ambroſe* and *Auguſtine*, that he is ſaved: All Fathers, all

Diſſentions among ſcholars more and harder to end then others.

l *Io.* 5. 2.

m *Athenag. de reſur.*

n *Fileſacus de authorit. Epiſ. cap.* 1. § 7.

o *Dan.* 10.

p *Humf. Ieſuit. part.* 2. *ad rat.* 5

all zealous of Gods glory. (q) At the ſame time when the *Romane* Church canonized *Becket*, the Schooles of *Paris* diſputed whether hee could be ſaved; both Catholique Judges, and of reverend authoritie. And after ſo many Ages of a devout and religious celebrating the memory of Saint *Hierome*, *Cauſeus* hath ſpoken ſo dangerouſly, that (r) *Campian* ſaies, hee pronounces him to be as deepe in hell as the Devill. But in all ſuch intricacies, where both opinions ſeem equally to conduce to the honor of God, his Juſtice being as much advanced in the one, as his Mercie in the other, it ſeemes reaſonable to me, that this turne the ſcales, if on either ſide there appeare charity towards the poore ſoule departed. (ſ) The Church in her Hymnes and Antiphones, doth often ſalute the Nayles and Croſſe, with Epithets of ſweetneſſe, and thanks; But the Speare which pierced Chriſt when he was dead, it ever calles, *dirum Mucronem*.

This pietie, I proteſt againe, urges me in this diſcourſe, and what infirmity ſoever my reaſons may have, yet I have comfort in *Treſmegiſtus* Axiome, (t) [*Qui pius eſt, ſummè Philoſophatur.*] And therefore without any diſguiſing, or curious and libellous concealing, I preſent and object it, to all of candor, and indifferencie, to eſcape that juſt taxation, (u) [*Novum malitiæ genus eſt, & intemperantiæ, ſcribere quod occultes.*] For as, (x) when *Ladiſlaus* tooke occaſion of the great ſchiſme, to corrupt the Nobility in *Rome*, and hoped

q *ejuſd. part* 1. *præfat. ad Com. Leiceſt.*

r *Ratio* 5. n Such perplexities wee ought to enclin to that ſide that favoureth the dead.

ſ *Nova Mallon. in Paleot. Sin. part.* 1. *cap.* 2.

t *De pietate et philoſophia.* Why I make it ſo publique.

u *Hier. Apol. adverſ. Ruffin.*

x *Theodor. a Niem. l.* 2. *ca.* 37.

ped

ped thereby to possesse the Towne, to their seven Governours whom they called *Sapientes*, they added three more, whom they called *Bonos*, and confided in them; So doe I wish, and and as much as I can, effect,) that to those many learned and subtile men which have travelled in this point, some charitable and compassionate men might be added.

y *Tessarid.* 6. What reader I wish.

If therefore, of Readers, which, y^h *Gorionides* observes to be of foure sorts, (Spunges which attract all without distinguishing; Howre-glasses, which receive and powre out as fast; Bagges, which retaine onely the dregges of the Spices, and let the Wine escape; And Sives, which retaine the best onely,) I finde some of the last sort, I doubt not but they may bee hereby enlightened. And (z) as the eyes of *Eve*, were opened by the taste of the Apple, though it bee said before that shee saw the beauty of the tree, So the digesting of this, may, though not present faire objects, yet bring them to see the nakednesse and deformity of their owne reasons, founded upon a rigorous suspition, and winne them to be of that temper, which (a) *Chrisostome* commends, [*He which suspects benignly would faine be deceived, and bee overcome, and is pronsly glad, when he findes it to be false, which he did uncharitably suspect.*] And it may have as much vigour (as (b) one observes of another Author) as the Sunne in *March*, it may stirre and dissolve humors, though not expell them; for

z *Gen.* 3. 6. *et* 7.

a *Hom. de S. Susanna.*

b *Steuch. de Valla de Don. const.*

that

that must bee a worke of a stronger power.

Every branch which is excerpted from other authors, and engrafted here, is not written for the readers faith, but for illustration and comparison. Because I undertooke the declaration of such a proposition as was controverted by many, and therefore was drawne to the citation of many authorities, I was willing to goe all the way with company, and to take light from others, as well in the journey as at the journeys end. If therefore in multiplicity of not necessary citations there appeare vanity, ostentation, or digression my honesty must make my excuse and compensation, who acknowledge as c Pliny doth [*That to chuse rather to be taken in a theft, than to give every man due, is* obnoxii animi, et infelicis ingenii.] I did it the rather because scholastique and artificiall men use this way of instructing; and I made account that I was to deale with such, because I presume that naturall men are at least enough inclinable of themselves to this doctrine.

The reason of so many citations.

c *Epist. Tit. Vesp.*

This my way; and my end is to remove scandall. For certainly God often punisheth a sinner much more severely, because others have taken occasion of sinning by his fact. If therefore wee did correct in our selves this easines of being scandalized, how much easier and lighter might we make the punishment of many transgressors? for God in his judgements hath almost made us his assistants, and counsellers, how far he shall punish; and our interpretation of anothers sinne doth

God punishes that sinn most which occasions most sinne in others.

doth often give the measure to Gods Justice or Mercy.

If therefore, since (d) [*disorderly long haire which was pride and wantonneße in* Absolon, *and squallor and horridnes in* Nebuchodonozor *was vertue and strength in* Samson, *and sanctification in* Samuel,] these severe men will not allow to indifferent things the best construction they are capable of, nor pardon my inclination to do so, they shall pardon this opinion, that their severity proceeds from a self-guiltines, and give me leave to apply that of *Ennodius*, (e) [*That it is the nature of stiffe wickedneße, to think that of others, which themselves deserve and it is all the comfort which the guilty have, not to find any innocent.*]

d *Paulin. Ep.* 4. *Severo.*

e *Epist. ad Asyrium.*

THE

THE FIRST PART OF *LAW* and *NATURE*.

Distinction I.

SECT. I.

AS (a) Lawyers use to call that impossible, which is so difficult; that by the rules of law it cannot be afforded, but by the indulgence of the Prince, and excercise of his Prerogative: So Divines are accustomed to call that sinne, which for the most part is so, and which naturally occasions and accompanies sinne. Of such condition is this SELF-

1. Why wee first prove that this sinne is not irremissible.

a *Palæotus de nothis. c. 28.*

Homicide: which to be ſinne every body hath ſo ſucked, and digeſted, and incorporated into the body of his Faith and Religion, that now they preſcribe againſt any oppoſer; and all diſcourſe in this point is upon the degrees of this ſinne, and how farre it exceeds all other: So that none brings the metall now to the teſt, nor touch, but onely to the balance. Therefore although whatſoever is in our appetite good or bad, was firſt in our underſtanding true or falſe, and therefore if wee might proceed orderly, our firſt diſquiſition ſhould be employd upon the firſt ſource, and origen, which is, whether this opinion be true or falſe, yet finding our ſelves under the iniquity and burden of this cuſtome, and preſcription, we muſt obey the neceſſitie, and prepoſterouſly examine: Firſt, why this fact ſhould be ſo reſolutely condemned, and why there ſhould be this precipitation in our judgement, to pronounce this above all other ſins irremiſſible: and then, having removed that which was neereſt us, and delivered our ſelves from the tyranny of this prejudice: our judgment may be brought neerer to a ſtraightneſſe, and our charity awakned, and entendred to apprehend, that this act may be free not onely from thoſe enormous degrees of ſinne, but from all.

SECT. II.

1. Three ſorts of miſtakers of this ſinne.

They who pronounce this ſinne to be ſo neceſſarily

ſarily damnable, are of one of theſe three perſwaſions. Either they miſ-affirme that this act alwaies proceeds from deſperation, and ſo they load it with all thoſe comminations with which from Scriptures, Fathers, Hiſtories, that common place abounds. Or elſe they entertaine that dangerous opinion, that there is in this life an impenitibleneſſe, and impoſſibilitie of returning to God, and that apparent to us (for elſe it could not juſtifie our uncharitable cenſure;) Or elſe they build upon this foundation, that this act being preſum'd to be ſinne, and all ſinne unpardonable without repentance, this is therefore unpardonable, becauſe the very ſin doth preclude all ordinary wayes of repentance.

SECT. III.

To thoſe of the firſt Sect, if I might be as vainly ſubtile, as they are uncharitably ſevere, I ſhould anſwer, that all deſperation is not ſinnefull. For in the devill it is not ſinne, nor doth hee demerit by it, becauſe he is not commanded to hope. Nor in a man which undertook an auſtere and diſciplinary taming of his body by faſts or corrections, were it ſinfull to deſpaire that God would take from him *ſtimulum carnis*. Nor in a Prieſt employ'd to convert infidels, were it ſinfull to deſpaire, that God would give him the power of miracles, If therefore to quench and extinguiſh this *ſtimulum carnis*, a man ſhould kill himſelfe;

1. That all deſperation is not hainous; and that this act doth not alwaies proceed from deſperation.

the effect and fruit of this desperation were evill, and yet the root it selfe not necessarily so. No detestation nor dehortation against this sinne of desperation (when it is a sinne) can be too earnest. But yet (a) since it may be without infidelitie, it cannot be greater then that. And though *Aquinas* there calls it sinne truly, yet he sayes hee doth so, because it occasions many sinnes. And if it bee as (b) others affirme, *Pœna peccati*, it is then *involuntarium*, which will hardly consist with the nature of sinne: Certainly, though many devout men have justly imputed to it the cause and effect of sin, yet as in the (c) penitentiall Cannons, greater Penance is inflicted upon one who kills his wife, than one who kills his mother; and the reason added, not that the fault is greater, but that otherwise more would commit it; So is the sinne of desperation so earnestly aggravated; because springing from Sloth, and Pusillanimity, our nature is more slippery and inclinable to such a descent, than to presumptions, which yet without doubt do more wound and violate the Majesty of God, then desperation doth. But howsoever, that none may justly say, that all which kill themselves, have done it out of a despaire of Gods mercy, (which is the onely sinnefull despaire) we shall in a more proper place, when we come to consider the examples exhibited in Scriptures, and other Historics, finde many who at that act have been so far from despaire, that they have esteemed it a great degree of Gods mercy, to

2. It may bee without infidelitie.

a *Tho.* 22. *q.* 2. *ar.* 2.

3 When it is *pœna peccati* it is *involuntarium.*

b *Perer. Exod. c.* 1. *disp.* 4.

4. The reason why men ordinarily aggravate it.

c *Can.* 17.

to have been admitted to such a glorifying of his name, and have proceeded therein as religiously as in a sacrifice; and as (d) one sayes, elegantly, of *Job*, *venere in gloriosa Proverbia*, and of whom we may properly say, that which *Moses* said, when they punished upon one another their Idolatry, *Consecrastis manus vestras Domino.*

d *Bosquier Con.* 2. *Exod.* 32. 29.

When I come to consider their words who are of the second opinion, and which allow an impenitibleness in this life (of which *Calvin* is a strong Authorizer, if not an Authour; who sayes, that actuall impenitence is not the sinne intimated in *Matth.* 12. 30, & 31. But it is a willing resisting of the holy Ghost, into which whosoever falls, *Tenendum est*, saith he, we must hold that he never riseth again) because these hard and mis-interpretable words fall from them, when they are perplexed, and intricated with that heavy question of sinne, against the holy Ghost, and because I presume them to speak proportionally and analogally to their other Doctrine, I rather incline to afford them this construction, that they place this impenitibleness onely in the knowledge of God, or that I understand them not, then either beleeve them literally, or beleeve that they have clearly expressed their own meanings. For I see not why we should be lother to allow, that God hath made some impeccable, then impenitible. Neither do I perceive, that if they had their purpose, and this were granted to them, that therfore such an impenitibleness must of necessity be

5. Of the second opinion, impenitibleness.

6. Of *Calvins* opinion, *Mat.* 12. 30.

7. None impeccable, nor impenitible.

be concluded to have been in this person, by reason of this act.

SECT. IIII.

1. Of the third sort, and that we ought not to presume actuall impenitence in this case.

But the third sort is the tamest of all the three, and gives greatest hope of being reduced, and rectifyed: For though they pronounce severely upon the fact, yet it is onely upon one reason, that the fact precludes all entrance to repentance. Wherein I wonder why they should refuse to apply their opinions to the milder rules of the Casuists (a) which ever in doubtfull cases, teach an inclination to the safer side. And though it be safer to thinke a thing to be sin, then not, yet that rule serves for your own information, and for a bridle to you, not for anothers condemnation. They use to interpret that rule of taking the safer side, that in things necessary (*necessitate finis*, as repentance is to salvation) wee must follow any probable opinion, though another bee more probable; and that, directly that opinion is to be followed, *Quæ fovet animæ*: which they exemplifie thus. (b) That though all Doctors hold that baptisme of a childe not yet throughly born, in the hand or foot to be ineffectuall, yet all Doctors counsell to baptize in that case, & to beleeve of good effect. And the example of the good theife informes us, that repentance works immediately; and from that history *Calvin* collects, That such paine *in articulo mortis*, is naturally apt

a *Azor. Mor. Instit. pa. 1. l. 2. c. 16.*

2. Which is the safer side in doubts.

b *Zambran. de pœniten. dub. 2. n. 39.*

3. *In articulo mortis*, the Church interprets ever favourably.

to

to beget repentance; Since the Church is so indulgent, and liberall to her children, (c) that at the point of death shee will afford her treasure of baptisme to one which hath been mad from his birth, by the same reason as to a child; (d) yea, to one fallen lately into madnesse, though it appeare he were in mortall sinne, if he have but attrition, which is but a feare of hell, & no taste of Gods glory; And such attrition shall be presum'd to be in him, if nothing appeare evidently to the contrary: (e) If she be content to extend and interpret this point of death, of every danger by sea, or travell; (f) If she will interpret any mortall sinne, in a man provoked by sodain passion, and proceeding from indeliberation, to be no worse nor of greater malignity, then the act of a childe. If being unable to succour one before (g) she will deliver him from excommunication after he is dead. (h) If she bee content that both the penitent and confessor, bee but *diligentes*, not *diligentissimi*; (i) If rather then she will be frustrate of her desire to dispense her treasure, she yeelds that mad and possessed men, shall be bound till they may receive extreame unction. (k) If lastly she absolve some whether they will or no, why should we abhorre our mothers example, and being brethren, be severer than the Parent? Not to pray for them which dye without faith is a precept so obvious to every Religion, that even (l) *Mahomet* hath inhibited it: But to presume impenitence, because you were not by, and heard it, is an usurpation.

c *Idem de bap. dub.* 8. *n.* 1.

d *Ibid. n.* 2.

e *Idem prælud.* 1. *n.* 7.

f *Idem de pœnitent. dub.* 3. *nu.* 2.

g *Ibidem.*

h *Dub.* 7. *nu.* 9.

i *Idem de unct. dub.* 2. *nu.* 3.

k *Sayr Thesaur. casf. consci. tom.* 1. *l.* 2. *c.* 21. *nu.* 2.

l *Alcor. & cur.* 19.

This

This is true repentance (saith *Clement*) [(m) To doe no more, and to speake no more, those things, whereof you repent; and not to beeve r sinning, and ever asking pardon.] Of such a repentance as this our case is capable enough.

And of (n) one who died before he had repented, good *Paulinus* would charitably interpret his haste, [That he chose rather to go to God *debitor quam liber*] and so to die in his debt rather than to carry his acquittance. As therefore in matters of fact, the delinquent is so much favor'd that (o) a Lay-man shall sooner be beleeved which acquits him, then a Clerk which accuseth (though in (p) other cases there be much disproportion betweene the value of these two testimonies;) So, if any will of necessitie proceede to judgement in our case, those reasons, which are most benigne, and which, (as I sayd) *favent animæ*, ought to have the best acceptation and entertainment.

m *Strom. l.* 2 4. What true repentance is.

n *Lib.* 3. *ad Amandum. ep.* 1.

5. Witnesses which acquit, more acceptable then accusers.

o *Dist.* 81. *ca. Clerici.*

p 12. *q.* 1. *c. duo sunt.*

SECT. V.

Of all those definitions of sinne, which the first Rhapsoder *Petr. Lombard* hath presented out of ancient learning, as well the *Summists* as *Casuists* doe most insiste upon that which he brings from (a) S. *Augustine*, as, commonly, where that Father serves their turnes, they never goe further. This definition is, that sinne is *dictum, factum, vel concupitum, contra æternam legem Dei.* This they stick to, because this definition (if it be one) best beares their discant

1. Why wee wave the ordinary definition of sinne taken from S. *Augustine*, and follow that of *Aquinas.*

a *Lib.* 22. *Dist.* 35. *A.*

scant; and is the easiest conveyance, and cariage, and vent for their conceptions; and applying rules of Divinitie to particular cases: by which they have made all our actions perplex'd and litigious, in *foro interiori*, which is their tribunall: by which torture they have brought mens consciences to the same reasons of complaint, which (b) *Pliny* attributes to *Rome*, till *Trajans* time; that *Civitas fuxata legibus, legibus evertebatur*. For as Informers vex them with continuall delations upon penall Lawes, so doth this act of sinning entangle wretched consciences in manifold and desperate anxieties.

Of the torturing practise of Casuists.

b *Panegyr. Traian.*

But for this use this definition cannot be thought to be applyable to sinne onely, since it limits it to the externall Law of God, (which word though *Lombard* have not, (c) *Sayr* and all the rest retain) for this eternall Law is (d) *ratio gubernativa Dei*, which is no other then his eternall decree for the government of the whole world, and that is Providence. And certainly against this, because it is not alwayes revealed, a man may without sinne both think and speak and doe: as I may resist a disease, of which God hath decreed I shall die. Yea though he seeme to reveale his will, we may resist it, with prayers against it, because it is often conditioned, and accompanied with limitations and exceptions. Yea though God dealt plainly by *Nathan*, (e) [*The child shall surely die*] *David* resisted Gods decree by prayer and penance. We must therefore seek another definition of sinne.

c *Thesaur. Cas. Consc. l. 1. Ca. 5.*
d *Tho. 22. q. 93. ar. 2.*

3. Of the eternall law of God in *Augustines* definition against which a man may doe without sinne.

e 2. *Sam.* 12. 14.

which I think is not so well delivered in those words of *Aquinas* (f) [*Omnis defectus debiti actus habet rationem peccati*] as in his other; [*Peccatum est actus devians ab ordine debiti finis, contra regulam naturæ rationis, aut legis æternæ*] For here *lex æterna* being put as a member and part of the definition, it cannot admit that vast and large acceptation, which it could not escape in the description of S. *Augustine*, but must in this place be necessarily intended of *lex divina*. Through this definition therefore, we will trace this act of *Self-homicide*, and see whether it offend any of those three sorts of Law.

f 22. q. 64. ar. 1. Con.

4. Of the Definition which we follow.

SECT. VI.

1. How the law of nature, of reason, and of God, exhibited in this definition, are all one; and how diversly accepted.

Of all these three Laws, of Nature, of Reason, and of God, every precept which is permanent, and binds alwayes, is so compos'd and elementedand complexion'd, that to distinguish and seperate them is a Chymick work: And either it doth only seeme to be done, or is done by the torture and vexation of schoole-limbicks, which are exquisite and violent distinctions. For that part of Gods Law which bindes alwayes, bound before it was written, and so it is but *dictamen rectæ rationis*, and that is the Law of nature. And therefore *Isidore* as it is related into the (a) Canons, dividing all Law into divine and humane, addeth [Divine consists of nature, Humane of custome] Yet though these three be almost all one; yet because

a *Dist.* 1. *Omnes.*

cause one thing may be commanded divers waies, and by divers authorities, as the common Law, a Statute, and a Decree of an arbitrary Court, may bind me to do the same thing, it is necessary that we weigh the obligation of every one of these Laws which are in the Definition.

But first I will only mollify and prepare their crude and undigested opinions and prejudice which may be contracted from the often iteration, and specious but sophisticate inculcatings of Law, and Nature, and Reason, and God, with this Antidote, that many things which are of Naturall and Humane and Divine Law may be broken. Of which sort (b) to conceale a secret delivered unto you is one. And the Honour due to Parents is so strictly of all these Laws, as none of the second Table more. Yet in a iust warre a Parricide is not guilty; yea by a law of *Venice*, though (c) *Bodin* say, it were better the Towne were sunk then ever there should be any example or president therein, A sonne shall redeeme himselfe from banishment by killing his Father being also banished. And we (d) read of another state (and Laws of Civil Commonwealths may not easily be pronounced to be against Nature) where when Fathers came to be of an unprofitable and useless age, the sons must beat them to death with clubs: And of another, where all persons of above 70 years were dispatched.

2. In some cases all these three lawes may be broke at once.

3. Revealing a secret.
b *Soto de teg. Secr. membr.* 1. *q.* 2.

4. Parricide.
c *de Rep. l.* 1. *cap.* 4.

d *Ælian. l.* 4. *cap.* 1.

SECT. VII.

1. Of the law of nature; and that against it strictly taken, either no sin, or all sinne is done.

2. To doe against nature, makes us not guilty of a greater sinne, but more inexcusable.

3. Nothing so evill, that is never good.

4. No evill but disobedience.

5. Lying naturally worse then Selfe-homicide.

This terme the law of Nature, is so variously and unconstantly deliver'd, as I confesse I read it a hundred times before I understand it once, or can conclude it to signifie that which the author should at that time meane. Yet I never found it in any sence which might justifie their vociferations upon sinnes against nature. For the transgressing of the Law of nature in any act doth not seeme to me to increase the haynousnesse of that act, as though nature were more obligatory than divine Law: but only in this respect it aggravates it, that in such a sin we are inexcusable by any pretence of ignorance since by the light of nature we might discern it. Many things which we call sin, and so evill have been done by the commandement of God, by *Abraham* and the *Israelites* in their departing from *Ægypt*. So that this evill is not in the nature of the thing, nor in the nature of the whole harmony of the world, and therefore in no Law of nature, but in violating, or omitting a Commandement: All is obedience or disobedience. Whereupon our Country-man (a) *Sayr* confesseth, that this SELF-HOMICIDE is not so intrinsecally ill, as to Ly. Which is also evident by *Cajetan* (b) where he affirmes, that I may not to save my life, accuse my self upon the Racke. And though *Cajetan* extend no farther herein, then that I may not bely my self: Yet (c) *Soto* evicts,

a *Thesaur. cas. conf. l. 7. c. 9. n. 9.*
b *sup. 22. q. 37. ar. 2.*
c *de just. secr. memb. 1. q. 3.*

evicts, that *Cajetans* reasons, with as much force forbid any accusation of my self, though it be true. So much easier may I depart with life then with truth, or with fame, by *Cajetan*. And yet we find that of their fame many holy men have been very negligent. For not onely *Augustine*, *Anselm*, and *Hierome*, betray themselves by unurged confessions, but (d) St *Ambrose* procur'd certain prostitute women, to come into his chamber, that by that he might be defamed, and the People thereby abstaine from making him Bishop. This intrinsique and naturall evill therefore will hardly be found. For, (e) God who can command a murder, cannot command an evill, or a sinne; because the whole frame and government of the world being his, he may vse it as he will. As, though he can doe a miracle, he can do nothing against nature; because (f) [That is the nature of every thing, which he works in it.] Hereupon, & upon that other true rule, (g) [whatsoever is wrought by a superior Agent, upon a patient, who is naturally subject to that Agent, is naturall] we may safely infer, that nothing which we call sinne is so against nature, but that it may be sometimes agreeable to nature.

On the other side, nature is often taken so widely and so extensively, as all sinne is very truely said to be against nature. Yea, before it come to be sinne. For S. *Augustine* sayes (h) [Every vice, as it is vice, is against nature.] And vice is but habite which being produced to act, is then sinne. Yea

6 Fame may be neglected; yet we are as much bound to preserve it, as life.

d *Soto ibid.*

e *Th. 22. q. 104. ar. 4. ad 2. m.*

7 God cannot command a sin, yet he can command murder.

f *Aug. cont. faust. l. 26. ca. 3.*

g *Th. 1. q. 105. ar. 6. ad 1.*

h *De li. Arb. l. 13. ca. 13.*

8 Originall sin is from nature.

the parent of all ſinne, which is hereditary originall ſin, which (i) *Aquinas* calls, [a languor and faintneſſe in our nature, and an indiſpoſition, proceeding from the diſſolution of the harmony of originall Juſtice] is by him ſaid to be in us, [(k) *quaſi naturale*] And is, as he ſaith in another place, ſo (l) naturall, [that though it is propagated with our nature, in generation, though it be not cauſed by the principles of nature.] So (m) as if God would now miraculouſly frame a man, as he did the firſt woman, of another's fleſh and bone, and not by way of generation, into that creature, all infirmities of our fleſh would be derived but not originall Sin. So that originall ſinne is traduced by nature onely, and all actuall ſinne iſſuing from thence, all ſinne is naturall.

i 1 2. q. 81. ar. 4.

k 3. q. 8. ar. 5. ad 7.

l 1. q. 100. ar. 1. ad 3.

m 1 2. q. 81 ar. 4.

SECT. VIII.

But to make our approaches neerer. Let us leave the conſideration of the Law of nature, as it is Providence, and Gods decree for his government of the great world; and contract it only to the law of nature in the leſſe world, our ſelves. There is then in us a (a) double law of nature, Senſitive and Rational; and (b) the firſt doth naturally lead and conduce to the other. But becauſe by the languor and faintneſſe of our nature, we lazily reſt there, and for the moſt part goe no further in our journeys therfore out of this ordi-

nary

1 That if our adverſaries by law of Nature meane onely Senſitive Nature, they ſay nothing, for ſo moſt vertuous actions are againſt Nature.

a Tho. 1 2. q. 71. ar. 2. Con.

b Carbo Col. Conſ. To. 2. pa. 2. c. 5.

nary indisposition, *Aquinas* pronounceth, that the inclination of our sensitive nature is against the law of reason. And this is that which the Apostle calls the law of the flesh, and opposeth against the law of the spirit. Rom. 7. 23.

Now although it be possible to sinne and transgresse against this sensitive nature, which naturally and lawfully (c) is inclined upon *bonum delectabile*, by denying to it lawfull refreshings, and fomentations; yet I think this is not that law of nature which these abhorrers of SELF-HOMICIDE complaine to bee violated by that Act. For so they might aswell accuse all discipline and austeritie, and affectation of Martyrdome, which are as contrarie to the Law of sensitive Nature.

c Tho. *ibid.*

SECT. IX.

And therefore, by law of nature, if they will meane any thing, and speak to be understood, they must entend the law of rationall nature: which is that light which God hath afforded us of his eternall law; and which is usually call'd *recta ratio*. Now this law of nature as it is onely in man and in him directed upon Piety, Religion, Sociablenesse; and such (for as it reacheth to the preservation both of Species and individualls, there are lively prints of it in beasts) is with most authors confounded and made the same with *jus gentium*. So (a) *Azorius*, and so (b) *Syl-*

1 As the law of Nature is *Recta Ratio*, it is *jus gentium*. So Immolation of men and Idolatry, are not against Nature.

a *Mor. Inst. p.* 1. *l.* 5. *cap.* 1.

(b) *Sylvius* delivers [That the law of nature, as it concerns only reason is *jus gentium*,] and therefore whatever is *jus gentium* that is, practised (and accepted in most, especially civil'st nations) is also law of nature, which (c) *Artemidorus* exemplifies, in these two, *Deum colere, mulieribus vinci*.

How then shall we accuse Idolatry, or immolation of men to be sinnes against nature? For not to speak of the first, which like a deluge overflowed the whole world, and only *Canaan*, was a little Ark swimming upon it, delivered from utter drowning, but yet not from stormes and and leakes, and dangerous weather-beatings,) immolation of men was so ordinary, that (d) [almost every nation, though not barbarous, had received it.] the (e) *Druids* of *France* made their divinations from sacrifices of men. (f) And in their wars they presaged also after the same fashion. And for our times it appeares, by the Spanish relations, (g) that in only *Hispaniola* they sacrific'd yearly 20000 children.

b *Com. ad leg. Reg. præ.*

c *De Som. sign.*

d *Pol. Virg. de Invent. rer. l. 5. cap. 8.*

e *Middendorp. de Acad. l. 6. ex Io. Bormo.*

f *Cæsar. Bell. Gall. l. 6.*

g *Mat. Met. præf. ad Ostr. Hist.*

SECT. X.

However since this is receiv'd [(a) that the nature of every thing is the forme by which it is constituted, and that to doe against it, is to doe against nature] since also this forme in man is reason, and so to commit against reason is to sin against nature, what sin can be exempt from that charge, that it is a sin against nature, since every sin is

1. A reason is the forme, and so the Nature of man, every sin is against Nature, yea, whatsoever agrees not exactly with Christian Religion.

a 22. q. 71. ar. 2. Con.

is against reason. And in this acceptation (b) *Lucidus* takes the law of nature, when he sayes [God hath written in our hearts such a law of nature, as by that, we are saved in the coming of Christ.] And so every act which concurres not exactly with our religion shall bee sinne against nature. Which will appeare evidently out of (c) *Jeremies* words, where God promiseth as a future blessing, that he will write his lawes in their hearts, which is the Christian law. So that the Christian law, and the law of nature, (for that is the law written in hearts) must be all one. Sinne therefore against nature is not so enormous, but that that may stand true, which *Navar* saith (d) [that many lawes both naturall and divine doe bind onely *ad veniale.*] And so (not disputing at this time, whither it be against reason alwaies or no,) (for reason and vertue differ no otherwise than a close box of druggs, and an emplaister or medicine made from thence and applyed to a particular use and necessitie; and in the box are not onely aromatike simples, but many poysons, which the nature of the disease, and the art of the Administrer make wholsome.) This SELF-HOMICIDE is no more against the law of nature, then any other sinne, nor in any of the acceptations which we touch'd before. And this is as much as I determined for this first Distinction.

b *Epistola multis epist.*

c 31. 33.

d *Manual. ca.* 23. *nu.* 50.

2. Vertue produced to act, differs so from reason, as a medicine made and applyed, from a box of druggs.

Distinction II.

SECT. I.

1. Sinnes against nature in a particular sense, are by Schoolmen said to be unnaturall lusts; and this. But in Scriptures onely the first is so called.

There is a lower and narrower acceptation of this law of nature (which could not well be discerned but by this light, and fore-discoursing) against which law, this sinne, and a very few more, seeme to be directly bent, and opposed. For (a) *Azorius* sayes, [That there are sinnes peculiarly against nature, which are *contra naturalem usum hominis*] which he exemplifies in unnaturall lusts, and in this. And of the former example (b) *Aquinas* sayes, [That there are some kinds of lusts which are sinnes against nature, both as they are generally vices, and as they are against the naturall order of the act of generation.] In the Scriptures also this sinne of misusing the sexe, is called against nature, by (c) S. *Paul*. And once (in the vulgar edition) in the (d) old Testament. But (as I intimated once before) this sinne against nature is so much abhorr'd, not because the being against nature makes it so abominable, but because the knowledge therof is so domestique, so neare, so inward to us, that our conscience cannot slumber in it, nor dissemble it, as in most other sinnes it doth. For, in that example of the *Levite* in the booke of *Judges*, (if those wicked men did seeke him for that abominable use, which (e) *Iosephus* sayes,

a *Mor. Instit. p.* 1. *l.* 4. *cap.* 1.
b 22. *q.* 154. *ar.* 11. *Con.*

c *Rom.* 1. 20.
d *Judg.* 19. 24

2. Of the example of the *Levite* in the *Judges*.
e *Antiq. l.* 5. *c.* 2.

sayes, was onely for his wife, And when himself relates to the people the history of his injury in the next chapter, he complains that they went about to kill him to enjoy his wife, and of no other kind of injury;) though the Host which had harbor'd him dissuade the men thus, [*solum non operemini hoc contra naturam*] will any man say, that the offer which he made them to extinguish their furious lust, to expose to them his owne daughter, a virgine, and the wife of his guest, (which *Iosephus* encreases by calling her a *Levite* and his kinswoman,) was a lesse sinne, then to have given way to their violence, or lesse against nature, because that which they sought was *contra naturalem usum*. Is not every voluntary pollution, *in genere peccati*, as much against the law of nature, as this was, since it strayes and departs from the way, and defeats the end of that faculty in us, which is generation? The violating therefore of the law of nature, doth in no acceptation aggravate the sinne. Neither doth the Scripture call any other sinne, then disorderly lust by that name; S. *Paul* once appeals to the law of nature, when arguing about the covering of heads, of men or women at publique prayer, hee sayes, [*Judge in your selves;*] And [*Doth not nature teach you, that if a man have long haire, it is a shame.*] Not that this was against that law of nature to which all men were bound, for it was not alwayes so. For, in most places, shavings and cuttings, and pullings, are by the *Satyriques* and *Epigrammatists* of

1 *Cor.* 11. 14.

3. S. *Pauls* use of the phrase *Law of nature* in long haire.

of those times, reprehended for delicacy and effeminateneſſe. And the *Romans* till forrain corruption had envenom'd them, were ever call'd gloriouſly *Intonſi*; but becauſe (ſayes *Calvine*) [it was at that time received as a cuſtome throughout all *Greece*, to weare ſhort haire, S. *Paul* calls it naturall.]

So *Vegetius* ſayes [That from (f) *November* to *March* the Seas are ſhut up, and intractable *lege naturæ*,] which now are tame and tractable enough, and this alſo *lege naturæ*. And that cuſtome which S. *Paul* call'd naturall in *Greece*, was not long naturall there. For the Biſhops of *Rome*, when they made their Canons for Prieſts ſhavings, (g) did it becauſe they would have their Prieſts differ from the Prieſts of the *Greek* Church. So that S. *Paul* mentioning the law of nature, argues not from the weight and hainouſneſſe of the fault, as our adverſaries uſe; but uſeth it as the neareſt and moſt familiar and eaſie way to lead them to a knowledge of decencie, and a departing from ſcandalous ſingularitie in thoſe publique meetings.

f *De re milit. l. 4. c. 39.*

4. *Vegetius* uſe of that phraſe.

g *Pierius de barbis Sacerdotum.*

SECT. II.

And though *Azorius* (as I ſaid) and many others, make this *Selfe-homicide* an example of ſin, againſt particular Law of Nature; yet it is onely upon this reaſon, that *ſelfe-preſervation* is of Naturall Law. But that Naturall Law is ſo generall, that

1. Selfe-preſervation is not ſo of particular law of nature, but that beaſts naturally tranſgreſſe it, whom it binds more then us; and we, when the reaſon thereof ceaſes in us, may tranſgreſſe it, and ſometimes muſt.

that it extends to beasts more then to us, because they cannot compare degrees of obligation and distinctions of duties and offices, as we can. For we know that (a)[some things are naturall to the *species*, and other things to the particular *person*] and that the latter may correct the first. And therefore when (b) *Cicero* consulted the oracle at *Delphos*, he had this answer, [*Follow your owne nature.*] And so certainly that place, (c) [*It is not good for the man to be alone,*] is meant there, because if he were alone, Gods purpose of multiplying mankinde had beene frustrate. Yet though this be ill for conservation of our *species* in generall, yet it may be very fit for some particular man, to abstaine from all such conversation of marriage or men, and retire to a sollitude. For some may need that counsell of (d) *Chrysostome*, [Depart from the high way, & transplant thy self in some incloſed ground: for it is hard for a tree which stands by the way side, to keep her fruit, till it be ripe.] Our safest assurance, that we be not misled with the ambiguity of the word *Naturall Law*, and the perplex'd variety thereof in Authors, will be this, That [all the precepts of Naturall Law, result in these, *Fly evill, seek good*;] That is, doe according to Reason.

For these, as they are indispensable by any authority, so they cannot be abolished nor obscur'd, but that our hearts shall ever not onely retaine, but acknowledge this Law. From these are deduced by consequence, other precepts which

a *Tho.* 12. *q.* 51. *ar.* 7. *Con.*

2. Things naturall to the *species*, are not alwaies so to the *individuum*

b *Fabricius Hist. Cicero, Ann.* 30.

c *Gen.* 2. 18.

3 Therefore some may abandon the world.

d *Homil.* 36. *Oper. imperf. in Matth.*

e *Th.* 12. *q.* 94. *ar.* 4.

4. First principles in naturall Law are obligatory, but not deductions from thence, and the lower we descend, the weaker they are.

which are not necessary alwaies; as *Redde depositum*. For though this seeme to follow of the first, *Doe according to reason*, yet it is not alwaies just. And as *Aquinas* saies, The lower you goe towards particulars, the more you depart from the necessitie of being bound to it. So (f) *Azorius* illustrates it more clearely, [It is naturall, and binder all alwaies, to know there is a God. From this is deduced by necessary consequence, that God (if he be) must be worshipped; and after this, by likely consequence, that he must be worshipped in this or this manner.] And so every Sect will a little corruptly and adulteratedly call their discipline *Naturall Law*, and enjoyn a necessary obedience to it. But (g) though our substance of nature, (which is best understood of the foundations and principles, and first grounds of Naturall Law,) may not be changed, yet *forthis naturæ*, (which is the exercise and application therof,) and deduction from thence may, and must. The like danger is in deducing consequences from this naturall Law, of *Selfe-preservation*; which doth not so rigorously, and urgently, and illimitedly binde, but that by the Law of Nature it selfe, things may, yea must neglect themselves for others; of which the Pellican is an instance, or an emblem.

f *De privilegiis fori d. 1. c. 8.*

g *Sylvius Comment. ad leg. reg. præfat. c. 1.*

5 Pellicans, and Bees, by S. *Ambrose*, kill themselves.

And (h) St. *Ambrose* Philosophying divinely in a contemplation of Bees, after he hath afforded them many other prayses, layes [*That when they finde themselves guilty of having broken any of their* Kings

h *Hexamil. 5. cap. 1.*

Kings Lawes, Panitenti condemnatione se mulctant, ut immoriantur aculei sui vulnere.] Which magnanimity and justice, he compares there with the Subjects of the Kings of *Persia*, who in like cases are their owne executioners. As this naturall instinct in beasts, so rectified reason belonging onely to us, instructs us often to preferre publique and necessary persons, by exposing our selves to unevitable destruction.

No law is so primary and simple, but it foreimagines a reason upon which it was founded: and scarce any reason is so constant, but that circumstances alter it. In which case a private man is Emperor of himselfe, for so (i) a devout man interprets those words, [*Faciamus hominem ad imaginem nostrum*, id est, *sui juris*.] And he whose conscience well tempred and dispassion'd, assures him that the reason of selfe-preservation ceases in him, may also presume that the law ceases too, and may doe that then which otherwise were against that law.

And therefore if it be true that [*it* (k) *belongs to the Bishop of* Rome, *to declare, interpret, limit, distinguish the law of God*,] as their Doctors teach, which is, to declare when the reason of the Law ceases: it may be as true which this Author, and the (l) Canons affirme, that he may dispense with that Law: for hee doth no more, then any man might doe of himselfe, if he could judge as infallibly. Let it be true that no man may at any time doe any thing against the law of nature, yet, (m) [*As*

6 The reason of almost every Law is mutable.

i *B. Dorotheus Doctrinâ* 12.

k *Windeck. Canonum & legum consens. & dissens. ca.* 12.

7 He that can declare when the reason ceases, may dispence with the Law.

l 25 *q.* 1. *sunt quidam.*

(m)[*As a dispensation workes not thus, that I may by it disobey a law, but that that law becomes to me no law, in that case wher the reason ceases,*] So may any man be the Bishop & Magistrate to himselfe, and dispense with his conscience, where it can appeare that the reason which is the soule and forme of the law, is ceased. Because, (n) as in Oathes and Vowes, so in the Law, the necessitie of dispensations proceedes from this, that a thing which universally considered in it selfe is profitable and honest, by reason of some particular event, becomes either dishonest or hurtfull; neither of which, can fall within the reach, or under the Commandement of any law; and in these exempt and priviledged cases, (o) [the priviledge is not *contra jus universale*, but *contra universalitem juris.*] It doth onely succor a person, not wound, nor infirme a law, No more, then I take from the vertue of light, or dignitie of the Sunne, if to escape the scortching thereof, I allow my selfe the reliefe of a shadow.

And, as neither the watchfulnesse of Parliaments, nor the descents and indulgences of Princes, which have consented to lawes derogatory to themselves, have beene able to prejudice the Princes *non obstantes*, because prerogative is incomprehensible, and over-flowes and transcends all law. And as those Canons which boldly (and as some School-men say) blasphemously say, *Non licebit Papæ*, diminish not his fulnesse of power, nor impeach his *motus proprios*, (as they call them)

m *Tho.* 22. *q.* 88. *ar.* 10. 8. How dispensations worke.

n *Tho.* 22. *q.* 89. *ar.* 9.

o *Acacius de privilegijs l.* 1. *ca.* 3.

9. As nothing can annull the prerogative of Princes or Popes, though their own act seeme to provide against it; so no law doth so destroy mans liberty, but that he returnes to it, when the reason of the law ceases.

them) nor his *non obstante jure divino*, because they are understood ever to whisper some just reservation, *sine justa causa*, or *rebus sic stantibus*, so, what law soever is cast upon the conscience or liberty of man, of which the reason is mutable, is naturally condition'd with this, that it binds so long as the reason lives.

Besides, *Selfe-preservation*, which wee confesse to be the foundation of generall naturall Law, is no other thing then a naturall affection and appetition of good, whether true or seeming. For certainly the desire of Martyrdome, though the body perish, is a *Selfe-preservation*, because thereby, out of our election our best part is advanc'd. For heaven which we gaine so, is certainly good, Life, but probably and possibly. For here it holds well which (p) *Athenagoras* sayes, [*Earthly things and Heavenly differ so, as Veri-simile, & Verum*;] And this is the best description of felicitie that I have found, That [(q) it is *reditus uniuscujusque rei ad finem principium*.] Now since this law of *Selfe-preservation* is accomplish'd in attaining that which conduces to our ends, and is good to us, (for (r) liberty, which is a faculty of doing that which I would, is as much of the law of nature as preservation is; yet if for reasons seeming good to me, (as to preserve my life when I am justly taken prisoner, I will become a slave; I may doe it without violating the law of nature.) If I propose to my selfe in this SELF-HOMICIDE a greater good, though I mistake it, I perceive not wherein

10. Selfe-preservation being but an appetition of that which is good to us, is not violated by this act.

p *De resurrect.*

q *Heptapl. Io. Pici. l. 7. prooem.*

r *Sylvius Com. ad leg. reg. præfat. l. 1.*
11. Liberty, which is naturally to be preserved, may be departed with.

wherein I transgresse the generall law of nature, which is an affection of good, true, or seeming: and if that which I affect by death, bee truely a greater good, wherein is the other stricter law of nature, which is rectified reason, violated?

SECT. III.

Another reason which prevailes much with me, and delivers it from being against the Law of nature, is this, that in all ages, in all places, upon all occasions, men of all conditions, have affected it, and inclin'd to doe it. And as (a) *Cardan* sayes it, [*Mettall is planta sepulta, and that a stone is Animal sepultum.*] So man, as though he were *Angelus sepultus*, labours to be discharged of his earthly Sepulchre, his body. And though this may be said of all other sinnes, that men are propense to them, and yet for all that frequency, they are against nature, that is rectifyed reason, yet if this sinne were against particular Law of nature, (as they must hold, which aggravate it by that circumstance,) and that so it wrought to the destruction of our species, any otherwise then intemperate lust, or murther, or incurring penall Lawes, and such like doe, it could not be so generall; since being contrary to our sensitive nature, it hath not the advantage of pleasure and delight, to allure us withall, which other sinnes have.

1. That cannot be against Law of Nature, which men have ever affected; if it be also, (as this is) against sensitive Nature, and so want the allurements of other sins, a *De Subtil. lib. 5.*

And when I frame to my selfe a Martyrologe of

of all which have perished by their own meanes for Religion, Countrey, Fame, Love, Ease, Feare, Shame; I blush to see how naked of followers all vertues are in respect of this fortitude; and that all Histories afford not so many examples, either of cunning and subtile devises, or of forcible and violent actions for the safeguard of life, as for destroying.

2. There are not so many examples of all other vertues, as of this one degree of Fortitude.

Petronius Arbiter who served *Nero*, a man of pleasure, in the office of Master of his pleasures, upon the first frowne went home, and cut his Veines. So present and immediate a step was it to him, from full pleasure to such a death. *Petr. Arbiter.*

How subtilly and curiously *Attilius Regulus* destroyed himselfe? Wo being of such integritie, that he would never have lyed to save his life, lyed to lose it, falsely pleading, that the *Carthaginians* had given him poyson, and that within few dayes he should dye, though he stayed at *Rome*. *Attil. Regulus.*

Yet *Codrus* forcing of his death, exceeded this, because in that base disguise he was likely to perish without fame. *Codrus.*

Herennius the *Sicilian*, could endure to beat out his own braines against a post, and as though he had owed thanks to that braine which had given him this devise of killing himselfe, would not leave beating, till he could see and salute it. *Herennius.*

Comus who had been a Captaine of theeves, when he came to the torture of examination, scorning all forraigne and accessorie helps to dye, *Comus.*

made his owne breath, the instrument of his death, by stopping and reccluding it.

Annibal. *Annibal*, because if hee should be overtaken with extreame necessitie, he would be beholden to none for life nor death, dyed with poyson which he alwaies carryed in a ring.

Demosthenes. As *Demosthenes* did with poyson carryed in a penne.

Aristarchus. *Aristarchus* when he saw that 72 yeares, nor the corrupt and malignant disease of being a severe Critique, could weare him out, sterved himselfe then.

Homer. *Homer* which had written a thousand things, which no man else understood, is said to have hanged himselfe, because he understood not the Fishermens riddle.

Othryades. *Othryades* who onely survived of 300 Champions, appointed to end a quarrell between the *Lacedemonians* and *Athenians*, when now the lives of all the 300 were in him, as though it had been a new victory to kill them over again, kill'd himselfe.

Demockes. *Demockes*, whom a *Greeke* Tyrant would have forced, to show that he could suffer any other heat, scalded himselfe to death.

Portia. Lucretius. *Portia*, *Cato's* daughter, and *Catulus Lucretius* sought new conclusions, and as *Quintilian* calls them, [*Nova Sacramenta perundi*,] and dyed by swallowing burning coales.

Declam. 27.

Terence. Poore *Terence* because he lost his 108 translated Comedies, drown'd himselfe.

And

And the Poet *Labienus*, because his Satyricall Bookes were burned by Edict, burnt himselfe too. *Labienus.*

And *Zeno*, before whom scarce any is preferr'd, because he stumbled, and hurt his finger against the ground, interpreted that as a Summons from the earth, and hang'd himselfe, being then almost 90 yeares old. For which act, *Diogenes Laertius* proclaimes him to have been [*Mira felicitate vir, qui sine malo, integer, sine Morbo excessit.*] *Zeno.*

To cure himselfe of a quartane, *Portius Latro* killed himselfe. *Por. Latro.*

And *Festus*, *Domitians* Minion, onely to hide the deformity of a Ringworme in his face, *Festus.*

Hippionax the Poet rimed *Bupalus* the Painter to death with his Iambiques. *Hippionax.*

Macer bore well enough his being called into question for great faults, but hanged himselfe when hee heard that *Cicero* would plead against him, though the *Roman* condemnations at that time inflicted not so deep punishments. *Macer.*

And so *Cassius Licinius* to escape *Cicero's* judgement, by choaking himselfe with a napkin, had (as *Tacitus* calls it) *precium festinandi.* You can scarce immagine any person so happy, or miserable, so respos'd or so vaine, or any occasion either of true losse, or of shamefastnesse, or frowardnesse, but that there is some example of it. *Licinius.* *Annal. lib. 4.*

Yet no man, to me seemes to have made harder shift to dy, then *Charondas*, who first having made *Charondas.*

made a new law, that it should be death to enter the Counsell Chamber armed, not onely offended that Law, but punished it presently by falling upon his sword.

But the generall houre of such death is abundantly expressed, in those swarmes of the *Roman* Gladiatory Champions, which, as (b) *Lipsius* collects, in some one month cost *Europe* 30000 men, and to which exercise and profusion of life, till expresse Lawes forbade it, (c) not onely men of great birth, and place in the State, but also women coveted to be admitted.

3. Of the *Romane* Gladiators in great persons, and great numbers

b *L.* 1. *cap.* 12. *de Gladiator.*

c *Idem. l.* 2. *cap.* 3.

By *Eleazars* Oration recorded in (d) *Josephus*, we may see how small perswasions moved men to this. [*Hee onely told them, that the Philosophers among the Indians did so. And that we and our children were borne to dy, but neither borne to serve.*]

d *De bell. Judi. l.* 7. *c.* 28.

4 Small perswasions drew men to it.

And we may well collect, that in *Cæsars* time, in *France*, for one who dyed naturally, there dyed many by this devout violence. For (e) hee sayes there were some, whom he calls *Devotos*, and *Clientes*, ((f) the latter Lawes call them *Soldurios*) which enjoying many benefits, and commodities, from men of higher ranke, alwaies when the Lord dyed, celebrated his Funerall with their owne. And *Cæsar* adds, that in the memorie of man, no one was found that ever refused it.

5 By the Solduriі in *France* it may be gathered, that more dyed so, then naturally.

e *Lib.* 3 *com. Bell. Gall.*

f *Tholosa. Syntag. lib.* 14. *cap.* 10. *N.* 14.

Which devotion I have read some where con-

tinues

tinues yet in all the wives in the Kingdome of *Bengala* in the *Indies*.

And there not onely such persons, as doe it in testimony of an entire dependency, and of a gratitude, but the (g) *Samanai*, (which did not inherite Religion, and Priesthood, and wisedome, as *Levites* did amongst the *Jewes*, and the *Gymnosophists* amongst them, but were admitted by election, upon notice taken of their sanctity) are sayd to have studied wayes how to dye, and especially then when they were in best state of health. And yet (h) these Priests whose care was to dye thus, did ever summe up, and abridge all their precepts into this one, *Let a pious death determine a good life*. Such an estimation had they of this manner of dying. (i) How pathetically *Latinus Pacatus* expresses the sweetnesse of dying when we will; [*Others*, sayth he, *after the conquest, making a braver bargaine with Destiny, prevented uncertaine death by certaine; and the slaves scaped whipping by strangling. For who ever fear'd, after there was no hope? Or who would therefore forbeare to kill himselfe, that another might? Is another's hand easier then thine own? Or a private death fouler then a publique? Or is it more paine to fall upon thy sword, and to oppresse the wound with thy body, and so receive death at once, then to divide the torment, bend the knee, stretch out the necke, perchance to more then one blow?*] And then wondring why *Maximus*, who had before murdered *Gratian*, and was now suppressed by *Theodosius*, had not enjoyed the common benefit of killing himselfe,

6. Wives in *Bengala* doe so yet.

7. The *Samanæi* which were Priests in the *Indies* used to doe it.

g *Porphyr. de Abstin. antiq.*

h *Heurnius de philosoph. Barbar. l. 2. ca. 2.*

i *Panegyr. Theodosio.*

8. *Lat. Pacat.* expresseth this death pathetically.

himselfe, he turnes upon *Gratian*, and sayes, [*Thou* Reverend Gratian, *hast chased thine Executioner, and would'st not allow him leasure for so honest a death, least he should staine the sacred* Imperiall *robe with so impious blood, or that a* Tyrants *hand should performe thy revenge, or thou bee beholden to him for his owne death.*] And with like passion speakes another *Panegyrique* to *Constantine*, who after a victorie, tooke their swords from the conquered, *Ne quis incumberet dolori.* By which language one may see, how naturall it was to those times, to affect such dispatch.

And in our age, (k) when the *Spaniards* extended that Law, which was made onely against the *Canibals*, that they who would not accept Christian Religion, should incurre bondage; the *Indians* in infinite numbers escaped this by killing themselves, and never ceased, till the *Spaniards* by some counterfeitings made them thinke, that they also would kill themselves, and follow them with the same severity into the next life.

k *Mart. Metel. præfat. in hist. Osorij.*

9. How the *Spaniards* corrected this naturall desire in the *Indians*.

And thus much seeming to me sufficient, to defeate that argument which is drawen from *Self-preservation*, and to prove that it is not so of particular law of Nature, but that it is often transgressed naturally, wee will here end this second Distinction.

Distinct.

Distinction III.

SECT. I.

AFter this when men by civilitie and mutuall use one of another, became more thrifty of themselves, and sparing of their lives, this solemnity of killing themselves at funeralls wore out and vanish'd; yet leysurely, and by unsensible dimunitions. (a) [*For first in shew of it, the men wounded themselves, and the women scratch'd and defaced their cheekes, and sacrific'd so by that aspersion of blond. After that, by their friends graves they made graves for themselves, and entred into them alive, (as* Nunnes *doe when they renounce the world.) And after in shew of this shew, they onely tooke some of the earth, and wore it upon their heads: and so for the publique benefit were content to forfeit their custome of dying*]

And after Christianitie, which besides the many advantages above all other Phylosophies, that it hath made us clearely to understand the state of the next life: which *Moses* and his followers (though they understood it) disguis'd ever under earthly rewards, and punishments; either because humane nature after the first fall, till the restituti on and dignification thereof by Christ, was generally incapable of such mysteries, or, because it was reserved to our blessed Saviour to interpret and comment upon his owne Law, and that great

a *Sylvius Com. ad leg. reg. c.* 24.

1 After civility and christianity quenched this naturall desire, in the place thereof, there succeeded a thirst of Martyrdome.

2 How leisurely the custome of killing at funerals wore out.

3 *Moses* delivered, and the philosophers saw the state of the next life, but unperfectly.

great ſucceſſive Trinity of humane wiſedome, *Socrates*, *Plato*, and *Ariſtotle*, ſaw but glimmeringly and variouſly; as alſo for matters of this life, the moſt Stoick and ſevere Sect that ever caſt bridle upon mankind, I ſay, after Chriſtianity had quench'd thoſe reſpects of fame, eaſe, ſhame, and ſuch, how quickly naturally man ſnatch'd and embraced a new way of profuſing his life by Martyrdome?

SECT. II.

For whil'ſt the famous acts, or famous ſuffrings of the *Jewes*, for defence even of Ceremonies, (many thouſands of them being ſlaine, onely becauſe they would not defend themſelves upon the Saboth;) And whil'ſt the cuſtome of that Nation ever embrued in ſacrifices of blood, and all, moſt of all other Nations devour and earneſt even in the immolation of men. And whil'ſt the example of our bleſſed Saviour, who choſe that way for our Redemption to ſacrifice his life, and profuſe his blood, was now freſh in them, and govern'd all their affections, it was not hard for their Doctors even by naturall reaſons, and by examples to invite, or to cheriſh their propenſneſſe to Martyrdome.

1 That this was for the moſt part inſinuated into men by Naturall reaſons, and much upon humane reſpects.

Stromat. l. 4.

Clement therefore when he handles this point, ſcarce preſents to them any other argument then naturall men were capable of, and ſuch food, and ſuch fuell, as would ſerve the taſt and fervour

2 So proceeded *Clement*.

vour of ſuch an one as were not curious above Nature. As, that Death was not naturally evill: That Martyrdome was the beginning of another life. That the Heathen endured greater paines for leſſe reward. That a Barbarous people immolated every yeare a principall Philoſoper to *Xamolxis* an Idol; and they upon whom the lot fell not, mourn'd for that. And with moſt earneſtneſſe that Martyrdome is in our owne power: which be arguments better proportioned to Nature, then to Divinity; and therefore *Clement* preſumed them men inclined, or inclinable by nature to this affection.

Tertullians Reaſons are ſomewhat more ſublime; yet rather fine, and delightfull, then ſolid and weighty; As, That God knowing man would ſin after Baptiſme, provided him, *Secunde ſolatia, lavacrum Sanguinis*: That the death of Saints, which is ſaid to be precious in Gods ſight, cannot bee underſtood of the naturall death common to all: And that from the beginning in *Abel* righteouſneſſe was afflicted. And theſe reaſons were not ſuch as would have entred any, in whom a naturall inclination had not ſet open the gates before.

L. cont. Gnoſtic. 3. So did *Tertullian.*

Cyprian alſo takes the ſame way; and inſiſts upon application of Prophecies of theſe two ſorts; That they ſhould bee deſpiſed in this world, and that they ſhould be rewarded in the next.

Lib. de exhort. Martyrii ad fortunatum. So did *Cyprian.*

To theſe were added externall Honours,

(a) Annuall celebrating their Memories, and entitling their deaths, *Natalitia*; And (b) that early instituting of the office of Notaries to regulate their passions, even in *Clemens* time, And (c) the proposing their *Salita capita* to bee worshipped; which word (though *Eunapius* speake it prophanely) was not undeserved by the generall misuse of such devotion.

And (d) after the Monopoly of appropriating Martyrdome, and establishing the benefit thereof upon them onely which held the integritie of faith, and were in the unity of the Church; of which persuasion *Augustine*, and *Hierom*, and most of the Ancients are cited to be; and then by continuall increasing the dignity and merit of it, as that (e) *ex opere operato*, it purged actuall sinne, as Baptisme did originall; And (f) that without Charitie, and in Schisme, though it merited not salvation, yet it diminished the intensnesse of Damnation.

And by these they incited mans nature to it, which also might be a little corruptly warmed towards it, by seeing them ever punisht who afflicted them, for so (g) *Tertullian* saies, that [*no City escaped punishment, which had shed Christian bloud.*]

After this, they descended to admit more into their fellowship, and communicate and extend these priviledges: for by such indulgence are (h) *Herods* Infants Martyrs: So is *John Baptist*, though he dyed not for a matter of Christian

a *Tertul. de Corona Milit.*
4 Externall Honours to Martyrs.
b *Damasc. & Platin.*
c *Hadr. Junius in Eunapii vita*
5 Monopolie of Martyrdom
d *Fevardentius l. 8. c. 13. Baron. Martyr. cap. 10.*
e *Carbo. Cas. Conf. To. 2. pa. 2. c. 6.*
f *De pœniten. Dist. 1. Si qui autē. Ex Aug. de pœnitent.*
6 Gods punishments upon their persecutors, encouraged men to Martyrdome.
g *Ad Scapulam.*
7. Extending priviledges of Martyrs to many.
h *Aug. Epist. ad Hieron. 28. De Nat. & Orig. Anim.*

ſtian faith: So (i) is he which ſuffers for any vertue, and he which dyes in his mothers womb, if ſhe be a Martyr. (k) And ſo is he which being for Chriſtian profeſſion wounded deadly, recovers: and hee which being not deadly wounded, dyes after of ſickneſſe contracted by his owne negligence, if that negligence amounted not to mortall ſinne.

i *Aphoris: Eman. Sa. verbo Martyr.*

k *Tho. 22 q. 124. ar. 4. ad quart.*

So not onely the ſickly and infirme ſucceeding Ages, but even the pureſt-times did cherriſh in men this deſire of death, even by contrary reaſons; both which notwithſtanding by change of circumſtances, had apparance of good. For as fire is made more intenſe, ſometimes by ſprinkling water, ſometimes by adding fuell. So when their teachers found any cooleneſſe or remiſſeneſſe in them, and an inclination to flight, or compoſition with the State, then (l) *Cyprian* noted ſuch with the ignominy of *Libellatici*, becauſe they had taken an acquittance of the State, and ſayes of them [*Culpa minor ſacrificatorum, ſed non innocens conſcientia.*]

8. Contrary reaſons cherriſhed this deſire in them.

9 *Cyprian Libellatici.* Compounders with the State.

l *Sermo de lapſis.*

And then (m) *Terrullian* equally infames flying away, and ſuch marchandizing, when hee ſayes, [*Perſecution muſt not be redeemed; for running away is a buying of your peace for nothing, and a buying of your peace for money is a running away.*]

m *De fuga. propoſitio. 2.*

10 *Terrullian* condemnes flying in perſecution.

And then we ſhall finde that even againſt the nature of the word Martyre, it became the common opinion, that death was requiſite and neceſſarie to make one a Martyr.

11 Death became to bee held neceſſary to make one a Martyr.

So in (n) *Euschius*, the Christians though afflicted, modestly refuse the name of Martyrs, and professe that they have not deserved it, except they may be kill'd.

12. In times when they exceeded in discreet exposing themselves, they taught that Martyres might be without dying.

Contrarywise in other times when the disease of head-long dying at once, seemed both to weare out their numbers, and to lay some scandall upon the cause, which wrought such a desire in men, which understood not why they did it, but uninstructed, uncatechized, yea unbaptized, (but that the charity of the Supervivers imputed to them *Baptisma fluminis*, as they hope, or at least, *Sanguinis*, for that they saw) did onely, as they saw others doe; Then I say (as (o) a Learned Writer of our time sayes, [*That the Church abstaines from easie Canonizing, Ne vilesceret Sanctitas*] (which is not here Holinesse, but Saintship) least the dignity of Martyrdome should be aviled by such promiscuous admittance to it, they were often contented to allow them the comfort of Martydome without dying; which was but a returning to the naturall sense of the word.

So *Ignatius* stiles himselfe in his Epistles, Martyr. Yea more then the rest he brought down the value thereof, and the deare purchase; for he sayes (p) [*That as he which honors a Prophet in the name of a Prophet, shall have a Prophets reward, So hee shall have a Martyrs reward which honors* [*vinctum Christi.*] And so our most blessed Saviour, proceeding in his mercifull purpose of encreasing his King-

n *Hist. l. 5. c. 2.*

o *Actor. Mor. Inst. p. 2. l. 5. cap. 7.*

Ad Polycarp.

p *Ad Smirnen.*

Kingdome upon earth, yet permitting the Heathen Princes to continue theirs as yet, the Christian Religion was dilated and oppressed, and the professors thereof, so dejected and worne with confiscations and imprisonments, thought that as in the (q) *Passeover* from *Egypt* every doore was sprinkled with blood; So Heaven had no doore from this world but by fires, crosses, and bloody persecutions: and presuming Heaven to be at the next step, they would often stubbornly or stupidly winke, and so make that one step.

q Exod. 12. 7.

God forbid any should be so malignant, so to misinterpret mee, as though I thought not *the blood of Martyrs to be the seed of the Church*, or diminished the dignity thereof, yet it becomes any ingenuity to confesse, that those times were affected with a disease of this naturall desire of such a death; and that to such may fruitfully be applyed those words of the good B. *Paulinus*, (r) [*Athleta non vincit statim, quia eruitur: nec ideo transnatant, quia se spoliant.*] Alas! we may fall & drown at the last stroke, for, to sayle to heaven it is not enough to cast away the burdenous superfluities which we have long carried about us, but we must also take in a good frayte. It is not lightnesse, but an even-reposed steedfastnesse, which carries us thither.

r Serm. ep. 2.

But (s) *Cyprian* was forced to finde out an answer to this lamentation, which he then found to be common to men on their death beds, [*We mourne because with all our strength we had vowed our selves*

s De Contempt. mortis. 13 Cyprian. profes. Men who offered their lives before they were called.

selves to Martyrdome, of which we are thus deprived, by being prevented by natural death.] And (t) for them who before they were called upon, offered themselves to Martyrdome, he is faine to provide the glorious and satisfactory name of Professors.

From such an inordinate desire, too obedient to nature, proceeded the fury of some Christians (u) who when sentence was pronounced against others, standing by, cryed out, *Wee also are Christians.*

And that inexcusable forwardnesse of *Germanus*, (x) who drew the beast to him, and enforced it to teare his body, And why did he this? *Eusebius* delivers his reason, That he might bee the sooner delivered out of this wicked and sinfull life. Which (y) acts *Eusebius* glorifies with this prayse, [That they did them *mente digna Philosophis*] So that it seemes wisest men provoked this by their examples; As (z) at the burning of the temple at Hierusalem, *Meirus* and *Iosephus*, though they had way to the Romans, cast themselves into the fire. How passionately (a) *Ignatius* solicites the Roman Christians not to interrupt his death. [*I feare saith he, your charity will hurt me, and put me to beginne my course again, except you endeavour that it may be sacrificed now. I professe to all Churches,* quod voluntarius morior] *And after,* Blandiciis demulcete feras, *entice and corrupt the Beasts to devoure me, and to be my sepulchre,* fruar best is, *Let me enjoy those beasts, whom I wish much more cruell then they are; and if they*

t *Baroni. Mar. 2. Ian. H.*

14 Enforcers of their owne Martyrdome.

u *Euseb. Hist. l. 8. c. 9.*

15 Examples of inordinate affecting of Martyrdome. *Germanus.*

x *Hist. l. 4. c. 14.*

y *Hist. l. 4. c. 10.*

Meir. & Ioseph. z *Ioseph. de bel. Ind. l. 7. c. 11.*

a *Ignati. epist. ad Roman.*

16 *Ignatius* solicitation for it.

they will not attempt me, I will provoke and draw them by force] And what was *Ignatius* reason for this, being a man necessary to those Churches, and having allowable excuses of avoiding it? [*quia mihi utile mori est.*] such an intemperance urged the woman of *Edissa*, (b) when the Emperour *Valens* had forbidden the Christians one temple, to which particular reasons of devotion invited them, to enrage the Officers with this Contumely, when they asked her, why thus squallid, and headlong she dregg'd her sonne through the streets, I do it least when you have slaine all the other Christians, I and my sonne should come to late to partake that benefit. And such a disorderly heate possessed that (c) old wretched man, which passing by after the execution of a whole legion of *6666*, by iterated decimation, under *Maximianus*, although he were answered that they dyed, not onely for resisting the Roman Religion, but the State, for all that, wish't that he might have the happines to be with them, and so extorted a Martyrdome. For that age was growne so hungry and ravenous of it, that many were baptized onely because they would be burnt, and children taught to vexe and provoke Executioners, that they might be thrown into the fire.

And this assuredness that men in a full perswasion of doing well would naturally runne to this, made (d) the proconsul in *Africk* proclaime, Is there any more Christians which desire to dy,

Edissena.

b *Nicephor l.* 11. *c.* 21.

c *Speculum vinc. To.* 4. *l.* 11. *c.* 40.

d *Bod. Dæmon. l.* 4. *c.* 3. *ex Tertullia.*

17 Lawes forbidding more executions made to despite Christians.

and when a whole multitude by generall voice discovered themselves, he bid them [*Goe hang and drown your selves and ease the Magistrate.*] And this naturall disposition, (e) afforded *Mahomet* an argument against the *Jews*, [*if your Religion be so good, why doe you not dy?*] for our primitive Church was so enamored of death, and so satisfied with it, that to vex and torture them more, (f) the Magistrate made Lawes to take from them the comfort of dying, and encreased their persecution by ceasing it, for they gloried in their Numbers.

e *Alc.72. Az.*

f *Ex Tertul. Bodin. supra*

18 Glory in the numbers of Martyrs.

And as in other warfares men muster and reckon how many they bring into the field, their confidence of victory was in the multitudes of them which were lost. So they admit into the Catalogue *Herods* infants, and the 11000 Virgins. And (g) when 9000 Souldiers under *Adrian* by apparition of an Angel, are said to have embraced Christian Religion, and when the Emperour sent others to execute them, 1000 of those executioners joyn'd to them and so the whole 10000 were crucified (h) And of an intire legion massacred at once we spoke but now. And *Baronius* (i) speakes of 10000 crucified in *Armenia*, celebrate upon the 22th. of *June*: whether divers from the 10000 under *Adrian* or no, I have not examined. (k) Saint *Gregory* says, [*Let God number our Martyrs, for to us they are more in number then then the sands.*] And (l) *Baronius* saies, That excepting the first of *January*, (which yet in the Roman

g *Specul. Vin. To.4.l.10 c. 88.*

h *Supra. fo.66.*

i *Baron. Mart. 22. Iune.*

k *Homil.27. in Evangel.*

l *Martyrolog. cap. 8.*

Mar-

Martyrologe records as many, as moſt other daies) there is no day which hath not 500 Martyres; almoſt every one hath 900, or 800.

SECT. III.

And when the *Church* encreaſed abundantly under all theſe preſſures (for, As in profane and ſecular wars, the greater the Triumphs of a Conqueror are, the greater alſo are his Armies, becauſe the more and more concur to his ſplendor, and to participate his fortunes; So in this ſpirituall warfare, the greater the triumphant Church was, the greater grew the Militant, aſſiſted both with the Example & Prayers of the other.) And when all theſe treadings downe did but harrow our Saviours field, and prepare and better it for his Harveſt, The bloud of the Martyrs (for though, as I lay ſtill, very many dyed out of a naturall infirmitie of deſpiſing this life, a great number had their direct marke upon the glory of God, and went to it awake) having, as a (a) *Nicephorus* ſayes, almoſt ſtrangled the Devill, hee tryed by his two greateſt Inſtruments, (when they are his) the Magiſtrate, and the Learned, to avert them from this inclination.

For, ſuggeſting to the Magiſtrate that their forwardneſſe to dye, grew onely from their faith in the Reſurrection, he (b) procur'd there bodyes to be burnt, and their aſhes ſcatter'd into

1. That Heretiques ſeeing the dignity gained by Martyrdome, laboured to avert them from it, but could not correct this naturall inclination.

a *Lib. 4. cap. 2.*

2. The Devill labours the Magiſtrates to quench their deſire of dying

b *Specul. Vinc. To. 4. cap. 102. lib. 10.*

Rivers, to frustrate and defeat that expectation; And he raised up subtile Heretiques, to infirme and darken the vertue and majestie of Martyrdome.

Basilides heref. *Anno* 134. 3. *Basilides* denyed Christ to have been crucifyed, & that therefore they dyed madly.

Of which the most pestilently cunning *Basilides*, fore-suspecting that hee should not easily remove that desire of dying, which Nature had bred, and Custome confirmed in them, tryed to remove that which had root onely in their Religion, as being yet of tenderer growth, and more removable then naturall impressions. Therfore he offered not to impugne their exposing themselves to death in all cases, but onely said, (c) that it was madnesse to dye for Christ, since he, by whose example they did it, was not crucified, but *Symon* who bore the Crosse.

c *Alfon. Castr. verb. Martyr. ex Philast.*

Another (d) Heretique, called *Helchesar*, perceiving that it was too hasty to condemne the act of Martyrdome even for Christ, thought onely to slacken their desire to it, by teaching, that in time of Persecution, so wee kept our heart at Anchor safe, we were not bound to testifie our Religion by any outward act, much lesse by dying.

d *Praeolus l. 5. ex Niceph. 4. Helchesar* that outward profession of Religion was not needfull.

Which Doctrine the *Gnostici* also taught, but prevailed little, both because the contrary was rooted in Nature, and because they accompanied this doctrine, with many others, foule and odious even to sense; and because they were resisted by *Tertullian*, a man mighty, both in his generall abilities, and in his particular and profes-

5. That also the *Gnostici* taught, and why they prevailed not.

sed

sed earnestnesse to magnifie Martyrdome: And against these he writ his *Scorpiacum*.

SECT. IIII.

This way giving no advantage to Hereticks, they let loose the bridle of their owne nature too, and apprehended any occasion of dying as forwardly as the Orthodoxall Christians. And because the other prescrib'd against them, and were before hand with them in number, to redeeme time and overtake them, they constituted new occasions of Martyrdome.

(a) *Petilian* against whom St. *Aug:* writ, taught, that whosoever kill'd himself as a Magistrate, to punish a sinne committed before, was a Martyr.

And they who are by Saint *Augustine*, and others, called *Circumcelliones*, and *Circuitores*, (because (I thinke) as their Master, they went about to devoure) would entreate, perswade, enforce others to kill them, and frustrated after all those provocations, would doe it themselves, and by their survivors bee celebrated for Martyrs. These were of the (b) *Donatists*, of whom Saint *Augustine* sayes, To kill themselves out of respect of Martyrdome, was *Ludus Quotidianus* Other Hereticks also, whose errors were not about Martyrdome, hastened to it. So the (c) *Cataphrygæ*, who erroniously baptizing the dead, Ordaining Women, Annulling second Marriges, and erring in such points, (d) could soone boast of their number of Martyrs; perchance

1. That Hetiques failing herein, tooke naturall ways, of overtaking the Orthodox in Numbers of Martyrs.

2. *Petilian* new way of Martyrdom. a *Alf. Castr. ver. Martyrium*

3. Another new way of the *Circumcelliones* & *Circuitores*.

b *To. 2. Ep. 50.*

4. The *Cataphrygæ* exceed in Number. c *Pratolus.*

d *Baron. Martyr. C. 20.*

chance because *Tertullian* being then on their part, they found him, as he was wheresoever he came, a hot encourager of men to Martyrdome. It is complain'd in (e) *Eusebius*, that Heretiques seeing their arguments confuted, fled now to their number of Martyrs, in which they pretended to exceed the others. And from their numbers of Martyres, (f) the *Euphemitæ* called themselves *Martyrians*. And thereupon (g) *Baronius* saies, [*Amongst the heathen, perchance you may heare, and there find one* Empedocles, *which will burne himself, but amongst the Donatists, Hominum examina.*]

e *Hist. l. 5. c. 15*

f *Baron. Martyrol. ca. 10. Ex Epiph. Hær. 80*

g *Schulsingius, To. 3. ca. 177. 10. Euphemitæ* therefore called *Martyrians*

SECT. V.

So that the authoritie gained by their forwardnesse to equall the number of true Martyrs, was so great, and began so farre to perplex the world, that some Councels foreseeing, that if both sides did it equally, it would all be imputed to humane respects, began to take it into their care to provide against it. And thereupon a our Councell exhibites an expresse Canon, That no Christian leaving true Martyrs, should goe to false, *quia alieni à Deo*. And (b) another corrects the other Heresie of diminishing the reputation of Martyrs thus, *Martyrum dignitatem nemo profanus infamet.*

1. Hereupon Councels took it into their care to distinguish true Martyrs, from those who dyed for naturall and humane respects.

a *Conc. Laodic. Can. 33.*

b *Conc. Carth. 1. C. 2.*

SECT.

SECT. VI.

Thus when the true Spirit of God drew many, the spirit of Contention many, and other naturall infirmities more, to expose themselves easily to death, it may well be thought, that from thence the Authors of these later Ages, have somewhat remitted the intensnesse of Martyrdome, and mingled more allayes, or rather more mettall, and not made it of so great value alone, as those earnest times did; for since (a) Saint Thomas said, [*That though Martyrdome be a worke of greatest perfection, yet it is not of it selfe, but as it is wrought by charity, and expresses that*]

Vasques (b) reprehends *Cordubensis* for saying that it is any worship of God: for [*it is not seyes he, a Sacrifice nor worke of Religion, but of fortitude, which is but a morall vertue*] Therefore it is now (c) taught, [*that it is a mortall sinne to provoke another to inflict Martyrdome.*] And (d) a Martyr, (though Martyrdome purge much) is bound to cleanse himselfe by every one of the Degrees of penance, for saith *Carbo*, [*it is not* Sacramentum, *but* opus privilegiatum.] So they seeme tender and loth by addition of religious incitements, to cherish or further that desire of dying, to which by reason of our weaknesse, and this worlds encumbrances, our nature is too propense and inclined.

Onely the *Iesuits* boast of their hunting out of Mar-

1 Therefore later Authors do somewhat remit the Dignity of Martyrdome.

a 2. 2. q. 124. ar. 3.

b *De Adoratione l.* 1. *N.* 42.

c *Navar. Man. c.* 1. *Nu.* 40.

d *Carbo. Cas. Conf. To. p.* 2. *c.* 6.

2 The *Iesuits* still professe an enormous love to such death.

Martyrdome in the new worlds, and of their rage till they finde it. (e) He which hath brought them all upon one Scene, saies that [Alfonsus Castro *at his execution in the* Molucca, *was so overjoyed that he forgot his modesty.* [Rapimus Martyrium, *saies he,* spontanea irruptione,] And [*one would think that it were a disease in us,*] [*Which we doe, least the rest of our life should be* Meritis sterile, & gloria vacuum] [*we bargaine and contract with our profession, upon that Condition, that we may* prodigere animas in hostili ferro,] [*And we possesse no more, then such small matters as onely serve to cut off our life.*] So that, if this desire of dying be not agreeable to the nature of man, but against it, yet it seemes that it is not against the nature of a *Iesuite.* And so we end this Distinction, which we purpoled onely for the consideration of this desire of Martyrdome, which swallowed up all the other inducements, which, before Christianity contracted them, tickled and inflamed mankinde.

e *Clarus Bonarscius Amphitheat. Honoris. p. 4.*

Distinction IIII.

SECT. I.

THere remaines onely for the fourth and last Distinction of this first part, our reason by which this Self-Homicide seemes to me to escape

1 Lawes and customes of well policed cities having admitted it, it is not likely to be against law of Nature.

escape the breach of any Law of Nature, which is, that both expresse literall Lawes, and mute Law, custome, hath authorized it, not onely by suffering, and connivency, but by appointing it.

And it hath the countenance not onely of many flourishing and well policed states, but also of Imaginary Common-wealths, which cunning Authors have Idæated, and in which such enormous faults are not like to be admitted. Amongst the *Athenians* condemned men were their own executioners by poyson. And amongst the *Romans* often by bloodlettings. And it is recorded of many places, that all the *Sexagenarii*, were by the lawes of wise States, precipitated fro a bridge. Of which, if (a) *Rierius* his conjecture be true, that this report was occasioned by a custome in *Rome*, by which men of that age were not admitted to surffage; And because the way to the Senate was *per pontem*, they which for age were not permitted to come thither, were called *Depontani*, yet it is more certaine, that (b) amongst the *Ceans* unprofitable old men poysoned themselves, which they did crown with garlands, as triumphers over humane misery. And the (c) *Ethiopians* loved death so well, that their greatest Malefactors being condemned to banishment, escaped it Ordinarily by killing themselves. (d) The civill law, where it appoints no punishment to the delinquent in this case, neither in his estate nor memory, punishes

2 True and Idæated common-wealths have allowed it.

Athenians.

Romans.

Depontani.

a *Hieroglph. l.* 17.

Ceans.

b *Ælianus. l.* 3. *cap.* 26.

c *Diod. Sicul. l.* 2. *bib.* *Æthiopians.*

d *Dig. l.* 48. *tit.* 3. *leg. final.*

3 Civill law and all others, presume it, in condemned men.

a keeper, if his prisoner kill himselfe, out of a prejudice, that if meanes may be afforded them, they will all doe so.

And do not we see it to be the custome of all Nations now, to manacle and disarme condemned men, out of a fore-assurance that else they would escape death by death? (e) Sir *Thomas Moore* (a man of the most tender and delicate conscience, that the world saw since Saint *Augustine*) not likely to write any thing in jest mischieuously interpretable, sayes, That in *Vtopia*, the Priests and Magistrates did use to exhort men afflicted with incurable diseases, to kill themselves, and that they were obeyed as the interpreters of Gods will; But that they who killed themselves without giving an account of their reasons to them, were cast out unburied. And (f) *Plato* who is usually cited against this opinion, disputes in it, in no severer fashion, nor more peremptory then thus, [*What shall we say of him, which kills his nearest and most deare friend? which deprives himselfe of life, and of the purpose of destiny? And not urged by any Sentence, or Heavy Misfortune, nor extreame shame, but out of a cowardlinesse, and weaknesse of a fearfull minde, doth unjustly kill himselfe? What Purgatory, and what buriall by law belongs to him, God himselfe knowes. But let his friends inquire of the Interpreters of the law, and doe as they shall direct.*] You see nothing is delivered by him against it, but modestly, limitedly, and perplexedly.

e *Vtop. l. 2. c. de servit.*

4 In *Vtopia* authorised.

5 And by *Plato* in certaine cases.

f *De leg. 9.*

And

And this is all which I will say of the first member of that definition of sinne which I undertooke, which is, transgressing of the Law of Nature. Wherein I make account that I have sufficiently delivered and rescued this *Selfe-homicide*, from any such violating of the Law, as may aggravate the fact, or make it hainous.

6 Conclusion of the first part.

Second Part.

Distinction I.

Of the Law of Reason.

SECT. I.

THat part of the Definition of sin, which wee received for the second place, is, That it be against the Law of Reason, where, if we should accept Reason for *Recta Ratio*, (especially primarily, and originally,) it would be the same as Law of Nature. Therefore I rather choose to admit such an acceptation thereof, as may bring most doubts into disputation, and so into clearenesse.

1. That the law of reason, is, conclusions drawne from primary reason by discourse.

Reason therefore in this place shall signifie conclusions drawne and deduced from the primary Reason, by our discourse and ratiocination: And so sinne against reason, is sinne against such arguments and conclusions as may by good consequence be deived from primary and originall Reason, which is light of nature.

2. How much strength, Reasons deduced have.

This primary reason therefore, against which none can plead lycense, law, custome, or pardon, hath in us a soveraigne, and masculine force; and by it, through our Discourse, which doth the motherly office of shaping them, and bringing them forth and up, it produces conclusions and resolutions.

SECT. II.

1. Of this sort of Reasons, generall lawes have the greatest authority.

And as in earthly Kingdoms, the Kings children, and theirs, and their race, as farre as we may reasonably presume any tincture of blood, have many priviledges and respects due to them, which yet were forfeited if there appeared any bastardy or interruption of lawfull descent from that roote, And though these respects and obsequiousnesse, belong to them as they are propagated from that roote, and as some sparks of that Soveraignty glimmer in them, yet their Servants and Officers take them where they finde them, and consider them onely as Dukes, or Lords, and possessors of patrimoniall estates, but every mans heart and allegeance is directed

and fastned upon the Prince, and perchance a step or two lower, with a present and immediate relation to the father, and what they have from him. So whē from those true propositions, which are the eldest children and issue of our light of Nature, and of our discourse, conclusions are produced, those conclusions also have now the Nature of propositions, and beget more; and to all these there belongs an assent and submission on our parts, if none by the way have beene corrupted and bastarded by fallacy. And though (as in the other case) men of a weake disposition, or lazey, or flattering, looke no farther into any of these propositions, then from whose mouth it proceeds, or what authority it hath now, not from whence it was produced, yet upon the heire apparent, which is, every necessary consequence from naturall light, every mans resolution is determin'd, and arrested by it, and submitted to it. And though humane lawes, by which Kingdomes are policed, be not so very neare to this Crown of certaine Truth, and first light, (for if they were necessary consequences from that law of nature, they could not be contrary in divers places and times, as we see lawes to be) yet I doe justly esteeme them neerer, and to have more of that bloud royall in them, then the resolutions of particular men, or of Schooles.

Both because it is of the essence of all humane law, that it agrees with nature, (I meane for the obligation *in interiori foro*, without which a law

2. For that is of there essence that they agree with law of Nature.

hath no more ſtrength, then an uſurper, whom they which obey, watch an opportunity to diſpoſſeſſe.)

3. And there is better teſtimony of their producing, then of private mens opinions

And becauſe Aſſemblies of Parliaments, and Councels, and Courts, are to be preſumed more diligent for the delivery and obſtetrication of thoſe children of naturall law, and better witneſſe that no falſe nor ſuppoſititious iſſue be admitted, then any one man can be. For (a) the law is therefore well call'd *Communis Reip. ſponſio*, becauſe that word ſignifies as well, that, to which they have all betroth'd themſelves, as, the ſecuritie and ſtipulation which the State gives for every mans direction and aſſurance in all his civill actions. Since therefore we have in the firſt part throughly examined, whether this *Selfe homicide* be alwayes of neceſſitie againſt the law of nature, it deſerves the firſt conſideration in this ſecond part, to inquire how farre humane Lawes have determin'd againſt it, before wee deſcend to the arguments of particular Authors, of whatſoever reverence or authoritie.

a *Dig. l. 1. tit. 3 le. 1. lex eſt.*

SECT. III.

1. Of lawes, the Imperiall law ought firſt to be conſidered.

And becauſe in this diſquiſition, that law hath moſt force and value, which is moſt generall, and there is no law ſo generall, that it deſerves the name of *Jus gentium*; or if there be, (a) it will bee the ſame, (as wee ſaid before) as *Recta Ratio*, and ſo not differ from the law of Nature.

a *Dig. l. 1. t. 1. le. 9. princ.*

To

To my understanding, the Civill or Imperiall law, having had once the largest extent, and being not abandon'd now, in the reason, and essence, and nature thereof, but onely least the accepting of it should testifie some dependencie upon the Empire, we owe the first place in this consideration to that Law.

2 The reason of that law is not abolished, but our dependency upon it.

This therefore which we call the Civill Law, (for, though properly the Municipall Law of every Nation be her Civill Law, yet *Romes* Emperors esteeming the whole world to be one City, as her Bishops doe esteeme it one Dioceſſe, the *Romane* Law hath wonne the name of Civill Law, being a (b) decoction and composition of all the Regall Lawes, Decrees of the Senate, *Plebescites*, *Responsa Prudentum*, and Edicts of Emperors, from 1400. yeares before *Justinian*, to so long time after, as the *Easterne* Emperors made them authentique; being of such largeness, as (c) *Justinians* part thereof consists of 150000. of those distinctions which he calls verses, and is the summe and marrow of many millions, extracted from 2000. Volumes.

3 Why this is called civill Law.

4 Of the vastnes of the books from whence it is concocted, and and of the extent thereof.

b *Iustinian. ep. ad Trebonian.*

c *Iustinian epi. ad DD. de Iur. docend. arie.*

This Law which is so abundant, that (d) almost all the points controverted betweene the *Romane* and the reformed Churches, may be decided and appointed by it. This Law, I say, which both by penalties, and Anathemaes, hath wrought upon bodies, fortunes, and consciences, hath pronounced nothing against this *Self-homicide*, which we have now in disputation.

d *Wind. Theolog. Iur.*

5 Nothing in this law against our case.

It

6. Of the law of *Adrian*.

d *Dig. lib.* 48. *tit.* 19. *le.* 38. *Si quis aliquid.* § *Qui miles.*

It is true that of *Adrian* the Emperor, who was about 120. yeares after Christ, we finde one Rescript, in the body of the Law, [(d) *That if a Souldier do attempt to kill himselfe, and not effect it, except he offred it upon impatience of griefe, or sicknesse, or sorrow, or some other cause,* capite plectatur.] Which Rescript is repeated againe in another (e) Title, and there (though the other generall clause, or some other cause, might seeme to have reach'd farre inough,) are added especially for excusing causes, [*wearinesse of life, madnesse, or shame.*] You see with what moderate gradations this Law proceeded, which being (as it seemes) to contend and wrestle with a thing customary, and naturally affected, extends not at all to punish it when it is done, as in many other crimes the Lawes doe, by confiscation, and by condemning the memory of the delinquent, and ignobling his race.

e *Dig. lib.* 49. *tit.* 10. *le.* 6. *Omne delictum.*

Nor embraces it all manners of doing it; (yea scarce any, considering how benignly, and favorably penall Lawes are to be interpreted:) Nor overtakes it all men, but onely such as being of present use, as well much disadvantage might grow to the Army, if sodainly any numbers of them should be suffered to turne upon this naturall and easie way of delivering themselves from painfull danger, as much dammage to the State, if those men matriculated for Souldiers, to whom there belong'd by the lawes, as many priviledges and immunities under the *Romane* Emperors, as ever

ver did to the Clergy under their *Romane* Bishops, after they had thus maym'd themselves, and defrauded the State of their service, should by this inherent character of Souldiership, enjoy all those advantages, which those Lawes afforded them.

There is (h) one law more in the body of the Civill Law, which seemes to reach farther, because it binds not it selfe to any one condition of men; which is, [*That if a man already accus'd, or taken in the manner, for any such crime, upon which his goods should be forfeited upon conviction, kill himselfe before judgement, his goods shall be forfeit*;] else nor. For the Law addes her opinion of the fact. [*Non facti celeritas est obnoxia, sed conscientia metus*] And proceeds, [*Qui causam mortis habet, habeat successorem.*] So that that Law presumes there are just causes to worke such an effect. And upon the consideration of this Civill Law, I determin'd to bestow this first Distinction.

h *Dig.* l. 48. tit. 21. *le.* 3. *Qui rei.*

7 Of the other law for guilty men.

Distinction II.

SECT. 1.

THat which they call the Canon Law is of larger extent then this, for it reaches to bind the Princes themselves, at least by their acceptation and submission to it.

1 Of the Canon Law.

2 The largnes of the subject, and object thereof.

And as the subject of it, is greater, being people and Prince, so is the object, being the next and eternall life. Yea it is so vast and undetermin'd, as we know not in what Books to seeke the limits thereof, nor by what rules to set the land-marks of her jurisdiction.

3 Of *Codex Canonum*, or: the body of the laws, in use in the primitive Church.

For, (for the booke,) it is evident that the Primitive Church had *Codicem Canonum*, which was inserted into the body of the *Romane* Law, and had no other subsistence, but as it was incorporated there. Thereupon (a) *Gelasius* writes to *Theodorus* the *Goth*, King of *Italy*, to intreat him, that as by his authoritie the *Romane* Law was observed in Civill matters, so it might be still in Ecclesiastique. And after the expulsion of the *Goths*, (b) *Leo* 4. intreated and obtained the same from *Lotharius*. From this *Codex Canonum*, the Emperors determined and decreed in many Ecclesiastique causes; From this *Codex* the Councels after were governed in making their Canons: as wee may see particular Canons of this Booke cited, the booke being often call'd for in the Councels, and being then ordinarily named, *The body of the Canon Law*. This body consisted of the Canons of nine Councels authorized by the Emperors.

a *Dist.* 10. *certum est.*

b *Dist.* 10. *vestrum.*

4 Of the Additions to this *Codex*.

But for those immense additions growne to it since that time, of Bulls, and Decretall Letters of Popes, Decrees of suspitious, and partiall and Schismatick Councels, (for nothing is more properly Schisme, and *Solutio continui*, than a rent betweene the Civill and Ecclesiastique State, which occa-

occasion'd many of the later Councels,) the rags of Fathers decerpted and decocted by *Gratian*, and the glosses of these made also as authentique as the Text. I perceive not what title they have to bee of the body of the Canon Law, except where the Princes have incorporated and denizen'd them.

But least to quarrell with their authority now, might seeme in us a subter-fuge and shift to decline them, as though they were heavy against us, in this point which we have now in hand; wee will accept them as they are obtruded, and dissemble nothing, which in them seemes to resist this opinion, though in common entendment this law is likely to be severe against it, because the civill lawes content themselves ever with any excuse or colour in favour of the Delinquents, because when a fault is proved it punishes severely, but (c) the Canon Lawes which punish onely medicinally, and for the soules health, are apt to presume or beleeve a guiltinesse, upon light evidence, because those punishments ever worke good effects, whether just or no.

5 Canon law apter to condemne then Civill, and why.

c *Paleotus de notbis c.* 19.

SECT. II.

And first because heresie which is *laesa Majestas Divina*, of all crimes is the principall object of that Court, I say, that this proposition, is not by any thing extant in the Canon law, (and therefore not at all) heretically, allowing to them their

1 That this proposition is not heretically.

largest definition of heresie; which is, (a)[*Any thing which is against Catholique faith, that is Scriptures rightly unaerstood, Or the traditions and definitions of the Church, or generall Councells lawfully gathered, or definition of the sea Apostolique, or the common opinion of Fathers, in a matter of faith.*] The proposition may perchance seeme to some so ill qualified, as it may be *male sonans*, or *temeraria*, or perchance *sapiens heresis*, for all these proceed from the indispofition and distempred taste of the apprehendor, which must not alwaies be idly flattred and pampred, but invited to the search and discovery of truth, who else being the greatest Prince in the world, should have no progresse, but be straightned in a wretched corner. First therefore, (to cast a glance upon every part of the definition of heresie) whether it be against the Scriptures rightly understood or no will be more properly and naturally examined, when we come to the last part, which is of Divine law.

Next, there is no tradition nor definition of the Church in the point at all, much lesse as of a matter of faith, which is the second limbe of the definition.

No decree of any generall Councell. No rescript or Bull of any Pope. And for the common opinion of the Fathers (besides that it can be no safe rule, because (b) as [*Azorius notes, Controverters often say on both sides, this is the common opinion; And certainely that is the common opinion*

a *Simancha Enchirid. Iud: tit.* 24. *nu.* 2.
2 A large definition of heresie.

3 No definition of the Church in the point.
4 Nor Canon
5 Nor Bull.
b *Moral. Instit. to.*1. *l.*2. *c.* 13.
6 Of the common opinion of Fathers, how it varies in times and places.

nion in one Age which is not in another; yea, in one Kingdome at the same time, which is not in another, though both be Catholik: As in Germany *and* France, *by the common opinion* Latreia *is not due to the Crosse, in* Spaine *by the common opinion it is,*] it cannot appeare, by the Canon law, that this is the common opinion of the Fathers; for (c) *Gratian* who onely of the Compilers of the Canon law toucheth the point, (as farre as either my reading or search hath spied out) cites but two Fathers, *Augustine*, and *Hierome*. Whereof the latter is of opinion, that there may be some cause to do it. But in the Canon law I finde no words, not onely to lay the infamous name of heresie upon it, but that affects it with the mark or stile of sinne, or condemnes the fact, by inflicting any punishment upon the offender.

c 23. q. 5. 7 *Gratian* cites but two fathers, one of which is of our side.

I speake here of the Canon law, to which the Canonist will stand: which are the Decretall letters, and all the extravagants. For, of *Gratians Decret.* that learned and ingenious Bishop of *Tarracon*, hath taught us what we should thinke, when he sayes, [(d) *That he is scarce worth so much reprehension, who having nothing that is profitable or of use, except he borrows it, is admired of the ignorant, and laughed at of the learned,*] (e) [*who never saw the bookes of the Councells, nor the works of the Fathers, nor the Registers of the Popes letters.*] (f) *And whose compilation had not that confirmation from* Eugenius 3, *as is fasly attributed to it.*] Yet allthough *Gratian* have not so much authority, that

8 Of that part of the Canon Law, to which Canonists will stand.

d *Ant. Augustin. l. de emendat. Gratian. l. 1. dial. 1. de titulo.*

9 A Cathol. Bishops censure of *Gratians* Decret.

e *Idem dial. 4.*

f *Idem dial. 3.*

by his inserting an imperiall law, or fragment of a Father, it should therefore be canoniz'd and grow into the body, and strength of the Canon law, (for then though that law were abrogated again by the Emperour, it should still be alive and bin'd by a stronger obligation in the Canon, which (g) *Alb. Gentilis* proves to be against the common opinion.) yet by consent, thus much is afforded him, that places cited by him, have as much authority in him, as they had in the Author from whom he tooke them. And therefore when we come to handle the Reasons of particular Authors, we will pretermit none whom *Gratian* hath cited, for that is their proper place.

g *De libris juris Canon. c. 2.*

SECT. III.

1. What any Councels have done in this point.

And in this Distinction where we handle the opinion of the Canon Law in the point (not because *Gratian* cites it, but because the Canons of all Councels are now usurped as Canon Law) we will consider (a) a Canon of the *Bracarense* Councell cited by him.

a 23. q. 5. *placuit.*

But first, (although he have it not) wee will not conceale the (b) *Antisidorense* Councel, (which was before the other, under *Gregor.* 1. *Anno* 590.) For as the Civill Lawes by limitation of persons and causes, gave some restraint and correction to this naturall desire of dying when we would, which they did out of a duty to sinew and strengthen, as much as they were able

b *Concil. Antisidor. sub Greg. 1. An. 590.*

able, the Doctrine of our blessed Saviour, who having determined all bloudy sacrifices, enlightens us to another Doctrine, that to endure the miseries & afflictions of this life, was wholsome, and advantagious to us; the Councels also perceiving that this first ingraffed and inborne desire, needed all restraints, contributed their help.

This (c) Canon then hath these words, [*If any kill themselves, Istorum oblata non recipiantur.*] For it seemes, that Preaching and Catechizing had wrastled, and fought with their naturall appetite, and tamed them to a perplexity whether it might be done or no; and so thinking to make sure worke, in an indiscreet devotion, they gave oblations to the Church, to expiate the fault, if any were. These oblations the Councell forbids to bee accepted, not decreeing any thing of the point, as of matter of faith, but providing against an inconvenient practice.

c *Canon.* 17. 3 The Councel of *Antisid.* onely refused their oblations

Neither was it much obligatory, or considerable, what it had decreed, being onely (d) a Diocesan Councell, of one Bishoppe, and his Abbats, and whose Canons *Binnius* presents, because (though some of them be out of use, of which this may be one) yet they are (saies he) some discoverers of Antiquity.

3 This was but a Diocesan Councell. d *Notæ Binnij in Conc. Antis. To. 2. fo. 955.*

The other Councell which (e) *Gratian* cites and besides which two I finde none) hath these words, [*For those that kill themselves, there shall be no commemoration at the oblation, nor shall they bee brought to buriall with Psalmes.*] which intimates,

e 23. q. 5. *placuit.* 4 The *Bracar* Councel inflicts two punishments.

as

as the language of the Canon Law is, *Caninam sepulturam.*

But the (f) glosse upon this doth evict from another Canon, that if the person were not under excommunication, it is not so; [*For we may communicate with him dead, with whom we may communicate living.*] Which showes that his act of dying so, put him not into worse state in this respect. This answers the first punishment inflicted by that Canon. And for the second which is deniall of Cristian buriall, it is very rigorous to conclude a hainousnesse of the fact, from that, since the (g) true Canon Law denyes that to men slaine at Tilt, though it afford them, if they be not presently dead, all the Sacraments applyable in that extreamitie, as Penance, Eucharist, and Unction.

So that, though since it denies buriall to men whom they esteeme in state and way of salvation, the Glosse here collects reasonably, [*That this punishment reaches not to the dead, but onely to deterre the living;*] referring to this purpose an h) Epistle of *Gregory*, saying, [*So much as a sumptuous funerall profits a wicked man, so much a base, or none at all hurts a godly.*]

Lastly, that (i) *Clementine* which reckons up many causes for which Christian buriall is denyed, amongst which one is a locall interdict, at what time the holyest man which dyes in that place cannot bee buried, which sometimes extends to whole Kingdomes, instructs us sufficiently

f 24. q. 2. *Sane quid.*

5 The first, not praying for them, is of them who did it when they were excommunicate.

g *Decret. l. 5. tit. 13. de torneamentis.*

6 The second, which is deniall of buriall, is not alwayes inflicted for offences; as appears in an interdict locall.

h 13. q. 2. *anim.*

i *Li. 3. tit. 7. de sepulchris. Eos qui.*

ently, that one may be subject to that punishment, (if it be any in that Law) and yet not guilty of such a crime as this is reputed to be.

And (k) the *Romans* in their Religious Discipline, refused solemne buriall, to any which perished by lightnings, (l) though they buried offenders in the towne, as they did Vestals and Emperours; because as their Dedication to God had delivered the Nunnes, and Soveraigntie the Emperours from bondage of Law; so did Justice, to which they had made full satisfaction deliver offenders punished. And since both Saint *Hierome*, and the *Bracarense* Councell, inflict the same punishments upon those *Catechumeni*, who although they had all other preparations, and degrees of maturity in the Christian Faith, yet departed out of this world without Baptisme, as they doe upon *Selfe murtherers*, and so made them equall in punishment, and consequently in guiltinesse; I thinke it will ill become the Doctrines of our times, and the *Analogy* thereof, to pronounce so desperately of either of their damnations. *Sert. Senen. lib. 6. Annot. 7. p.* 311.

And here wee end our second Distinction of this second Part, which was allotted for the examination of the Canon Law.

k *Sylv. ad leg. Reg. c.* 11.

l *P. Manut. de leg. Rom.* 7 *Romans* buried such offenders as had satisfied the Law within the towne, as Vestals, and Emperors.

M Distin-

Distinction III.

SECT. I.

1 Of the laws of particular Nations.

OF Arguments of this Nature, which are conclusions deduced out of reason and discourse, next to these generall Lawes of the Empire, and of the Church, (which though it might seeme for the generality thereof, to have deserved the first place, we handled in the second roome, because the power thereof hath beene ever litigious and questionable,) I may justly ranke the Lawes of particular States.

2 Of our law of *Felo de se*. *Bract. f.* 150. a.

By our Law therefore, as it hath not beene long in practise, (for (a) *Bracton* seemes not to know such a Law, when allowing an intire chapter to that title, he onely repeats the words in that Emperiall Law, which I cited before, and so admits, / if he admit that Law, that exception, *Sine justa causa*) he which kills himselfe is reputed *felo de se*; and whether he be chargeable with any offence or no, he forfeits his goods: which devolving to the Kings Almoner, should on the Kings behalfe be employed in pious and charitable uses.

b *Plowd. Com. Hales* his case. 3 That this is murder in our law; And the reasons which entitle the King.

And (b) it is not onely Homicide, but Murder, And yet the reasons alledged there, are but these, That the King hath lost a Subject, that his Peace is broken, and that it is of evill example.

Since

Since therefore, to my understanding, it hath no foundation in Naturall nor Emperiall Law, nor receives much strength from those reasons, but having by custome onely put on the nature of law, as most of our law hath, I beleeve it was first induced amongst us, because we exceeded in that naturall desire of dying so. For it is not a better understanding of nature, which hath reduced us from it; But the wisedome of Law-makers and observers of things fit for the institution and conservation of states.

4 Our naturall desire to such dying, probably induced this law.

For in ancient Common-wealths, the numbers of slaves were infinite, as ever both (c) in *Rome* and *Athens*, there were 10 slaves for one Citizen; and (d) *Pliny* sayes that in *Augustus* time, *Isidorus* had above 4000. And (e) *Vedius Pollio* so many, that he alwayes fed his fish in ponds with their blood; and since servitude hath worne out, yet the number of wretched men exceeds the happy (for every labourer is miserable and beastlike in respect of the idle abounding men;) It was therefore thought necessary by lawes, and by opinion of Religion, (as (f) *Scævola* is alleaged to have said, *Expetit in Religione Civitates falli*,) to take from these weary and macerated wretches, their ordinary and open escape, and safe, voluntary death.

5 As in States abounding with slaves, the Law-makers quenched this desire.

c *Bodin Rep. l. 1. c. 2. & l. 6. c. 1.*

d *l. 33. c. 10.*

e *Sebast. Med. de Venat. Pisca. et aucup. q. 41.*

f *Aug. de Civi. Dei l. 4. c. 27.*

And therfore it seemes to be so prohibited, as a (g) Lawyer sayes, hunting and usery is [*Ne inestimentur homines*] and as (h) *Mahomet* to withdraw his Nation from wine, brought them

6 Least it should draw too fast, as Hunting and Usury are; and as wine by *Mahom.*

g *Pruckman. de Venat. Pisc. & Aucup. c. 4.*

h *Pompon. de Incantat. c. 10.*

to a religious beliefe, that in every grape there was a Devill.

As therefore amongst us a naturall disease of stealing, (for as all other, so this vice may as well abound in a Nation as in a particular man, and i) *Dorotheus* relates at large, the sickneſſe of one of his fryars, who could not abstaine from stealing, though he had no use of that which he stole) hath draw from a (k) Councell holden at *London* under *Hen.* 3. a Canon which excommunicates the Harbourers of Theeves (*quibus abundat Regio Angliæ*, and mentions no other fault but this, and from the Custome, and Princes, and Parliaments severe Lawes against theft, then are justifiable by Nature, or the Iewes Judiciall Law, (for our Law hangs a man for stealing in extreame necessity, when not onely all things, to him, returne to their first community, but he is bound in conscience to steale, and were, in some opinions, (though others say he might neglect this priviledge) a *Selfe-murderer* if he stole not.

And (l) *Scotus* disputing against the Lawes of those Nations, which admit the death of a theife robbing by day, becauſe (m) whoever kills such a theife, is expresly by Gods Law a murderer, ask where have you read an exception of such a theife from the Law, *Non occides*, or where have you seene a Bull fallen from Heaven to justifie such executions? So it may be, a naturall declination in our people to such a manner of death,

7 And as severe lawes against stealing

i *B. Dorotheus doct.* 11.

k *Binnius to.* 3. *par.* 2. *f.* 1476. *An.* 1237.

8 When a man is bound to steale.

9 *Scotus* opinion of day theeves.

l 4. *Dist.* 15. *q.* 3.

m *Exod.* 22. 3.

death, which weakned the ſtate, might occaſion ſeverer Lawes, then the common ground of all Lawes ſeemes well to beare.

And therefore, as when the Emperour had made a Law, to cut off a common abuſe of miſdevout men, that no man might give any thing to the Clergy, no not by Teſtament, Saint *Hierome* ſaid, I lament and grieve, but not that ſuch a Law is made, but that our manners have deſerved ſuch a Law, ſo doe I in contemplation of theſe Lawes mourne, that the infirmity and ſickneſſe of our Nation ſhould neede ſuch Medecines.

The like muſt be ſaid of the like Law in the Earldome of *Flaunders*; If it be true, (n) That they allow confiſcation of goods, in onely five caſes, whereof this is one, and ſo it is rankt with Treaſon, Hereſie, Sedition, and forſaking the Army againſt the Turk, which be ſtrong and urgent circumſtances to reduce men from this deſire.

n *Tholoſa. Syn. l. 36. c. 22. nu. 13. ex Buteler. in ſumma rurall.*

10 Of ſuch a law in *Flaunders.*

SECT. II.

For whereſoever you finde many and ſevere Lawes againſt an offence it is not ſafe from thence to conclude an extreame enormity or hainouſneſſe in the fault, but a propenſneſſe of that people, at that time, to that fault. Thereupon (a) *Ignatius* and many others, even intire Councells, were forced to pronounce, that whoſoever

1 Severe lawes are arguments of the peoples inclination, not of the hainouſneſſe of the fault.

a *Epiſt. ad Philip.*

soever fasted upon Sundayes were Murderers of Christ.

So in *France* the Lawes abound against Duells, to which they are headlongly apt.

So are the resolutions of the Spanish Casuists, and the Bulls of the Popes, iterated and aggravated in that Nation, against there Bull-baytings, to which they are so enormously addicted, which yet of it self is no sinne, as *Navar* retracting his opinion after 70 yeares holds at last.

These severe lawes therefore do no more aggravate a fault, then milde punishments diminish it. And no man thinks Rape a small fault, though *Solon* punish it, if she be a Virgin, and freeborn, with so much money as would amount to our five shillings: and the (b) *Salique* law punishes a witch, which is convict to have eaten a man, pecuniarily, and at no high price. And therefore (c) *Bartolus* allowes that in cases of publique profit or detriment, the Judges may extend an odious and burdenous law beyond the letter, and restraine a favourable and beneficiall law, within it, though this be against the Nature and common practise of both these lawes.

If therefore our, and the Flemish law be severe in punishing it, add that this argument have the more strength, because more Nations concurre in such lawes, it may well from hence be retorted, that every where men are inclinable

to

2 Sunday fast extremly condemned thereupon.

3 So Duells in *France*.

4 So Bull-baitings in *Spain*.

Navar. Manu. li. 15. nu. 18.

5 Gentle laws diminish not the nature of rape, nor witchcraft.

b *Cap. 67.*

c *L. de his qui not. infam. l. 2. §. 1. nu. 2.*

6 Publique benefit is the rule of extending or restraining all lawes by *Bartol.*

7 If other Nations concurre in like lawes, it shews their inclination to be generall.

to it: which eſtabliſheth much our opinion, conſidering that none of thoſe lawes, which preſcribe Civill reſtraints from doing it, can make it ſinne, and the act is not much deſcredited, if it be but therefore evill, becauſe it is ſo forbidden, and binds the conſcience no farther, but under the generall precept of obedience to the law, or to the forfeiture.

SECT. III.

It ſeemes alſo by the practiſe of the *Jewes*, (for (a) *Joſephus* ſpeaks of it, as of a thing in uſe) that they did not bury ſuch as killed themſelves, till the Sunne ſet. But though I know not upon what Law of theirs they grounded this, and I finde not by writers of either of their Policies ſince their diſperſion, (for though they have no Magiſtracie, but bee under the Lawes of thoſe places into which they are admitted, in all caſes except where they be exempted by priviledg, yet they doe alſo teſtifie a particular deteſtation of ſome ſins by *outward penances* among themſelves, (b) as in theft, they binde, and whip, and enjoyne to publike confeſſion; and in Adultery the offender ſits a day in Winter in freezing water, and in Sommer upon an Anthill, or amongſt hives of Bees naked, though, I ſay, I finde not by *Galatine*, *Sigonius*, *Buxdorfius*, nor *Molher*, that this was or is in uſe amongſt them, yet becauſe *Joſephus*, though but Oratorily ſayes it, we

1 The cuſtom of the *Iewes*, and the law of the *Athenians* evict nothing.

a *De bello Jud. l.* 3. *c.* 28.

b *Buxdor. Syn. Iudais c.* 34.

we will accept it, and beleeve that it was upon the reason common almost to all Nations, to deterre men from doing it, and not to punish it being done. And of like use, that is, *in terrorem*, was also that Law of the *Athenians*, who cut off that hand after death which perpetrated that fact, which Law *Josephus* remembers in the same place.

SECT. IIII.

1 The reason drawne from remedies against it, proves no more.

That reason which is grounded upon the Edict of *Tarquinius Priscus*, (a) who when this desire of Death raigned amongst his men like a contagion, cured it by an opprobrious hanging up their bodies, and exposing them to birds and beasts. And (b) upon that way of reducing the Virgins of *Milesium*, who when they had a wantonnesse of dying so, and did it for fashion, were by Decree dishonourably exhibited as a spectacle to the people naked, prevailes no farther then the argument before, and proves onely a watchfull solicitude in every State, by all meanes to avert men from this naturall love of ease, by which their strength in numbers would have been very much empaired. And thus wee determine this Distinction.

a *Pliny. li.* 36. *cap.* 13.
b *A. Gellius li.* 15. *c.* 10.

SECT.

Distinct. IV.

WE will now descend to those reasons which particular men have used for the detestation of this action. And first we will pay our debt to *Gratian*, in considering the places cited by him, and after, the other reasons of Divine Authors, if they bee not grounded upon places of Scriptures, which we repose for the last part, shall have there ventilation in this Distinction.

1. Of reasons used by particular men, being Divines.

SECT. I.

The (a) first place then, is in an Epistle of Saint *Augustine* to *Donatus* the Heretique; who having beene apprehended by the Catholikes, fell from his Horse, and would have drown'd himselfe: and after complaines of violence used towards him, in matter of Religion, wherein he claimes the freedome of Election, and conscience. Saint *Augustine* answers, wee have power to endeavour to save thy soule against thy will, as it was lawfull to us, to save thy body so. If thou wert constrained to doe evill, yet thou oughtest not to kill thy selfe. Consider whether in the Scriptures, thou finde any of the faithfull that did so, when they suffered much

1. Of S. *Augustine* and his Argument.

a 23. q. 5. *Duplices.*

from them, who would have forced them to do things to their soules destruction.

2. Of St. *Aug.* comparatively with other Fathers.

To speake a little of Saint *Augustine* in generall, because from him are derived almost all the reasons of others, he writing purposely thereof, from the 17 to the 21 Chapter of his first book *De Civitate Dei*, I say, as the Confessaries of these times, comparing *Navarr* and *Sotus*, two of the greatest *Casuists*, yeeld sometimes that *Navarr*, is the founder and leameder, but *Sotus* more usefull and applyable to practique Divinitie: So, though Saint *Augustine* for sharpe insight, and conclusive judgement, in exposition of places of Scripture, which he alwaies makes so liquid, and pervious, that he hath scarce been equalled therein, by any of all the Writers in the Church of God, except *Calvin* may have that honour, whom (where it concernes not points in Controversie,) I see the *Jesuits* themselves often follow, though they dare not name him, have a high degree and reverence due to him, yet in practique learning, and morall Divinity, he was of so nice, and refin'd, and rigorous a conscience, (perchance to redeeme his former licentiousnesse, as it fals out often in such Converts, to be extreamely zealous) that for our direction in actions of this life, Saint *Hierome*, and some others, may bee thought sometimes fitter to adhere unto, then St. *Augustine*; Yet I say not this, as though wee needed this medicament for this place.

3. Comparison of *Navarr* and *Sotus*.

4. Jesuists often beholden to *Calvin* for expositions.

For

For I agree with Saint *Augustine* here, That neither to avoid occasion of sinne, nor for any other cause, wherein my selfe am meerely or principally interessed, I may doe this act; which also serves justly for answer to the same zealous Father in the other place, (b) cited by *Gratian*, for with him I confesse, [*That he which kills himselfe, is so much the more guilty herein, as hee was guiltlesse of that fault for which hee killed himselfe.*]

Though, by the way, this may not passe so generally, but that it must admit the exception, which the (c) Rule of Law upon which it is grounded, carries with it, [*Nemo sine culpa punitur, nisi forte sua.*] And so, as Saint *Augustine*, we, with as much earnestnesse, say, [*Hoc asserimus, hoc dicimus, hoc omnibus modis approbamus. That neither to avoid temporall trouble; nor to remove from others occasion of sinne, nor to punish our owne past sinnes, nor to prevent future, nor in a desire of the next life, (where these considerations are only, or principally) we may be lawfull for any man to kill himselfe.*] But neither Saint *Augustine* nor we deny, but that if there be cases, wherein the party is dis-interessed, and only or primarily the glory of God is respected and advanced, it may be lawfull.

So that, as *Valens* the Emperour, having surprised *Theodotus*, when his divining rock had described three letters of his name who should succeede, slew all whose names were [illegible] *Theodotes*,

5. In this place we differ not from St. *Aug.*

6. Nor in the second. b 22. q. 5. *Si non.*

7. That then may be *Causa puniendi sine culpâ.* c *Reg. jur.* 6.

8. As *Valens* murthered *Theodotus*; So did *Augustine* pretermit the right cause.

Theodotes, or *Theodulus*, but escaped *Theodosius* who fulfilled the Prophecy, So Saint *Augustine* hath condemned those causes which we defend not, but hath omitted those wherein it is justifiable.

9 Of *Cordubensis* rule, how we must do in perplexities;

In which case being hard to be discern'd and distinguished from others arising from humane infirmity, if that rule which (d) *Antonius de Cordubo*, gives in cases of simony, be as he sayes it is, a good guide in all perplexities, it will ease very much.

d *Ant. Cordub. de simonia q. 27. Editione. Hispani.*

10 How temporall reward may be taken for spirituall office.

He sayes, because in the case of simony, many difficulties grow, because not onely by cleare and common judgements, temporall reward may be taken for spirituall offices, by way of gift, stipend, wages, almes, sustenation, or fulfilling the law or custome of that place, but also by some Doctors, even by way of price, and bargaine, if not directly for the spirituall part thereof, yet for the labour necessarily annexed to it, because every Curate cannot distinguish in these cases, he bids him [*ever doe it, with an intention to doe it so, as God knowes it may be done, and as wise men know and would teach that it might be done; For thus saith he, humbly remitting our selves to the learned, whichever our fathers instruction, what ever defect be in us, yet* Saluamur in fide parentum.] And in this sort (e) *Pindarus* making an implicite prayer to God, that he would give him that which he knew to be best for him, died in that very petition.

Hesychius vitæ philosopherum.

11. Of *Pindarus* death praying for he knew not what.

Except therefore (f) Saint *Auguſtine* have that moderation in his reſolution, That a better life never receives a man after a death whereof himſelfe was guilty, we will be as bould with him, as (g) one who is more obliged to him then we, who repeating *Auguſtines* opinion, That the Devill could poſſeſſe no body, except he entred into him by ſinne, rejects the opinions, and ſaies, The holy Father ſpeaks not, of what muſt of neceſſity be, but what for the moſt part uſes to bee.

f *Vbi ſupra.*

a In our place we depart from St. *Aug.* upon the ſame reaſon as the Jeſuit *Thyræus* doth.

g *Thyræ. Joſui. de Dæmoniacis c. 31. nu. 428.*

SECT. II.

And in our caſe we ought (as I thinke rather to follow (a) Saint *Hieromes* temper, who in his expoſition upon *Jonas*, (which I wonder why *Gratian* cited being ſo farre from his end and advantage) ſayes, [*In perſecution I may not kill my ſelfe*, abſque eo, ubi caſtitas periclitatur] where I am ſo farre from agreeing with (b) *Gratian*, that [Abſque eo, *is incluſively ſpoken, and amounts to this phraſe, no not though*] as I thinke that good learned father, included in that word *Caſtitas*, all purity of Religion and manners; for to a man ſo rectified death comes ever, and every way ſeaſonably and welcome. For [(c) *qualem mors invenit hominem, ita homo invenit mortem.*]

1 The place out of S. *Hieron.* cited by *Gratian.* a. 23. q. 5. Non eſt,

b *Gloſſ. in locum ſupra.*

c *Idiotæ Contemplatio de morte.*

SECT. III.

1 Lavater confesses Aug. Hier. Cry. and Lactan. to be of this opinion.

2 Lavater in 1 Sam. Ca. ult.

From this place of Saint *Hierome*, I beleeve, and some other, which perchance I have not read, and some other places in others, of like charitable descent to this opinion. (a) *Lavater* having made his profit of all *Peters Martyrs* reasons almost against this act, and adding some of his owne, when they both handle the duties of *Saul*, confesseth that in this case of preserving Chastity, *Augustine*, *Chrysostome*, and *Lactantius*, and *Hierome* departed from their opinion who condemned this Act.

SECT. IIII.

1 Of P. Mar. reason *Mors malum*.

Peter Martyr also presents one other reason, of which he seemes glad, and well contented in it, which is, That we may not hasten death, because *Mors malum*.

a *Stromat. l. 4.*

2 *Clement.* hath long since destroyed that opinion.

3 Of *Malum pœna*.

b *Aqui. 1. q. 48. ar. 6. Con.*

c Jo. 9. 3.

But it is not worthy of his gravity, especially so long after (a) *Clemens Alex.* had so throughly defeated that opinion.

But if it be *Malum*, it is but *Malum pœna*. And that is an evill of which God is Authour, and is not that (b) *Malum quo mali sumus*; neither doth it alwayes prove the patient to be evill, (though God for all that be alwaies iust,) for himselfe said of the man borne blinde (c) [*Neither he, nor his parents have sinned.*]

And

And of that *Malum pœnæ*, which is esteemed the greatest in this life, of temporall afflictions, because of the neere danger of empairing our soule, which is to be possessed, (d) *Thyræus*, from Saint *Hierome* and *Chrysostome* sayes, that it is not alwayes inflicted for sinne, but to manifest the glory of God.

And therefore the greatest evill which can be imagined, of this kinde of evill, which is [(e) *Damnation, hath not so much* Rationem mali, *as the least sinne that drawes Damnation.*]

Death therefore is an act of Gods justice, and when he is pleased to inflict it, he may chuse his Officer, and constitute my selfe as well as any other.

And if it were of the worst sort of evill, yet as (f) Saint *Augustine* sayes that [*in the Act of Marriage, there is* Bonus usus mali, id est concupiscentiæ, quo malo male uruntur adulteri.] And as good *Paulinus* prayses *Severus*, that (g) [*he having* in Conjugio peccandi licentiam, *departed not from his accustomed austerity*,] so may the same be said of death in some cases, as in Martyrdome.

For though *Martyr* urge farther, that death is called (h) Gods enemy, and is therefore evil, yea (i) *Musculus* sayes upon that place, [*It is often commended in Scriptures, because towards the faithfull God useth it to good ends, and makes it* cooperari ad salutem.] And by what authority can they so assuredly pronounce that it falls out never

4 Possessed men are not alwaies so afflicted for sin.

d *Thyræus de Dæmon.* sect. 3 2.

e *Aqui.* 1. q. 48. ar. 6. Con.

5 Damnation hath not so much *rationem mali* as the least sin.

6 If death were of the sorts of evill, yet there may be good use of it.

f *Aug. de bono Conjugâ.* c. 1

g *Paulin. Severo epist.* 1.

7 How Paul calls Death Gods enemy.

h 1 *Cor.* 15. 26.

i *Marlorat. in hunc locum.*

never in our case? Besides this, death hath lost much of her naturall malignity already, and is not now so ill, as at first she was naturally; for as (k) *Calvin* notes here, [*she is already so destroyed, that she is not* lethalis, *but* molesta.]

8 Death since Christ is not so evill as before.
k *Calvin in hunc locum.*

SECT. V.

One reason more *Martyr* offers of his owne, which is, *Vita Donum*, life, because it is the gift of God may not be profused, but when we have agreed to him, that it may not be unthriftily and prodigally cast away, how will he conclude from thence, such an ingratitude, as that I shall forsake Gods glory? and may in no case *ponere animam?* How will it follow from I must not alwaies, to I may never?

1 Of *Martyrs* reason, *Vita donum.*

SECT. VI.

Lavater after many other urges this reason, That because Judges are established, therefore no man should take Dominion over himselfe.

But in the Church of *England*, where auricular confession is not under precept, nor much in practise, (for that we admit it not at all, or refuse it so, as the *Waldenses* did, though (a) a reverend man say it, is more then I knew) who is judge of sin against which no civill law provides, or of which there is no evidence? May not I accuse and condemne my selfe to my selfe, and inflict

1 Of *Lavaters* reason of Judges.
2 Where confession is not in use, there is no exterior Judge of secret sinne.
a *Humfred. Jesui. part. 2. ad Ratio. 3. Com.*

inflict what penance I will for punishing the past, and avoiding like occasion of sinne?

3 Of the Popes jurisdiction over himselfe.

Upon this reason depends that perplexed case, whether the Pope may not give himselfe absolution from Acts and Vowes, and partake his owne indulgences, although by the best opinion it is agreed, that to do so is an act of jurisdiction, which by *Lavaters* rule, no man may exercise upon himselfe.

4 Of such jurisdiction in other persons by civill lawes.

(b) The Emperiall lawes forbid in a generality any to be judge in his owne cause, but all Expositors, except Soveraignes. And in ordinary Judges, all agree with (c) *Baldus* [*That in facto notorio if the dignity of the Iudge be concerned, he is the proper Iudge of it. And he sayes that it belongs to the Prætor to judge, whether such a cause belong to his judgement, or no.*] (d) And with a *Non obstante* even upon Naturall law, as the words of the priviledge are, *Theodorus* allowed Bishops to be Judges in their owne cause. (e) So [*if a sonne which had not beene* Sui juris *had beene made consul, he might have emancipated himselfe, or authorized another to have adopted him.*]

b *Cod. l. 3. tit. 5. le. Generali.*
c *Bald. F. le. 5. de. judiciis.*
d *Filesacus de Episc. autorit. Ca. 1. §. 17.*

e *Dig. l. 1. tit. 7. le. 3. si Cons.*

And besides this, it appeares, that the Popes have exercised jurisdiction upon themselves, even before they were Popes, (for (f) *Iohn 22* having permission to chuse a Pope, chose himselfe, which deed *Naucler* relates and justifies) by Canonicall rules it is plaine, that he may exercise jurisdiction upon himselfe in any case where there is not a distinction of persons

5 *Iohn. 22.* elected himselfe Pope.
f *Vol. 1. 2. Genera. 44.*

enjoyned *Iure Divino*, as in Baptisme: which will not be stretched to our case.

And certainly the reason of the Law, why none should be judge in his owne cause, is, because every one is presumed favourable towards himselfe. And therefore if it be dispensable in some cases beneficiall to a man, much more may it be in cases of inflicting punishment, in which none is imagined to be over-rigorous to himselfe.

And if man were by nature as slavish, as the [(g) *Essini* by profession and rule, who had power of themselves in nothing, but *juvando & miserendo*] I see not, but when this becomes an act of advantage to our selves, we may have jurisdiction enough to doe it.

And what is more evident to prove, that in some cases derogatory and prejudiciall to us, we have this right over our selves, then that every man may *cedere suo jure*, And *Non uti privilegio*.

And (h) it was by all condemned in *Gregorie*, in the great Scisme, that after hee had promised to depart from the Papacie, by oath, in which was a clause, that he should neither aske, give, nor accept absolution from that oath, hee induced his Mendicants to preach, that it were deadly sinne in him to de-relinquish the Church. So also have many Kings departed from their Government, and despoiled them of their burden, at their pleasure. For, as (i) one sayes, of

4. Jurisdiction over our selves is denyed us, because we are presumed favourable to our selves; Not in cases hurtfull to our selves.

g *Henrnius de Philos. Barbar.*

7. Even in cases hurtfull, we have such jurisdiction.

h *Theod. a Niem. l. 3. c. 3. & 23.*
8. *Gregories* oath in the great Scisme.

i *Schusselburgius. Catal. Hereticor. l. 13.*

of the whole Church, it may bee said of every particular member; it was ever in Politicall bondage, but not in Spirituall.

So that, if there bee cases, wherein one may assuredly, or probaly, after just diligence used, conclude upon an illumination of the Spirit of God, or upon a ceasing of the reason of the Law at that time in him, that man is then *Sui Iuris*.

9. When a man becomes to be *sui juris*.

For though in cases where there is a proper Court, I am bound to it; yet, as Kings which are both Soveraignes, may therefore justly decide a cause by Warre, because there can bee no competent Judge between them; So in secret cases betweene the Spirit of God, and my conscience, of which there is not certainly constituted any exteriour Judge, we are our selves sufficient to doe all the Offices; and then delivered from all bondage, and restored to our naturall libertie, we are in the same condition as (k) Princes are, who if in the rigour of words they may not properly bee said to give themselves Priviledges, have yet one generall inherent Privilege, and when they will, they may declare, that in that particular case, they will not take a new, but exercise their old Priviledge.

10. Warre is just betweene Soveraigne Kings, because they have no Judge.

k *Accatius de privileg. juris. l.* 1. *cap.* 7.

11. Princes give not themselves priviledges, but declare that in that case they will exercise their inherent priviledge.

SECT. VII.

And because (a) *Iosephus* hath one reason

Iosephus Reason of *Depositum*.

a *De bell. Iud. l.* 3. *ca.* 13.

which tasts of Divinitie, we will consider it in this place. He sayes, our Soule is, *particula Dei*, and deposed and committed in trust to us, and we may not neglect or dishabour it, before he withdraw it. But we are still upon a safe ground, That whensoever I may justly depart with this life, it is by a Summons from God; and it cannot then bee imputed to any corruption of my will; for, (b) *Velle non creditur, qui obsequitur Imperio.* Yet I expect not ever a particular inspiration, or new commission, such as they are forced to purchase for *Sampson*, and the rest; but that resident and inherent grace of God, by which he excites us to works of morrall, or higher vertues.

And so, when it is so called for againe, (c) it were a greater injustice in us to deny or withhold any thing, of which wee were *Depositaries*, then if we were Debtors; yea, (not to depart from *Josephus* Allusion or Metaphor of *Depositum*. If it were a fault to let goe that of which I were *Depositary*, before it were truely called for, yet in *Conscientia erronea*, I were excusable; for it (d) is [*Ex substantia depositi, ut depositarius tantum de dolo teneatur non de culpa.*] Yea, when (e) I have a secret from another, *Data fide*, I have this in all respects, in *Natura Depositi*, and yet no man doubts, but that I may in many cases, depart with this secret.

b *Regula juris* 4.

c *Arist. Probl. Sect.* 29. q. 2. 2. In these cases a depositarie cannot bee accused *De culpa*, if he be *sine Dolo*. 3. A secret received, *Data fide*, is in *Natura depositi*.

d *Tholos. Synag.* l. 23. c. 3. *Nu.* 17.

e *Soto de Teg. Secr. membr.* 1. q. 1.

SECT.

SECT. VIII.

There are many Metaphoricall and Similitudinarie Reasons, scattered amongst Authors, as in *Cicero* and *Macrobius*, made rather for illustration, then for argument or answer; which I will not stand to gleane amongst them, since they are almost all bound up in one sheafe, in (a) that Oration of *Josephus*. Or else will be fitly handled in those places of Scripture, which make some such allusions.

1. Of similitudinary Reasons in Authors not Divine.

a *De Bello Iudaï. l. 3. ca. 14.*

SECT. IX.

Josephus then in that Oration hath one Reason drawen from the custome of an Enemy. We esteeme them enemies, who attempt our lives, and shall we bee enemies to our selves? But besides that, in this place, *Iosephus* speakes to save his owne life, and may justly be thought to speak more *ex animo*, and dispassioned, wherein the (a) person of *Eleazar* hee perswades to kill themselves, there is neither certaine truth in the Assertion, nor in the Consequence. For do we esteeme God, or the Magistrate our enemy, when by them death is inflicted? And do not Martyrs, in whose death God is glorified, kisse the Executioners, and the Instruments of their death? Nor is it unlawfull, unnaturall, or unexpedient for us, in many cases, to be so much our

1. Of his reason of *Hostis*.

a *lib. 7. c. 28.*

owne Enemies, as to deny our selves many things agreeable to our sensitive nature, and to inflict upon our selves many things repugnant to it, as was abundantly shewed in the first part.

SECT. X.

1. Of his reason of *Servus.*

In the same Oration he hath another allusorie argument, [*That a Servant which runnes away, is to be punished by the Law, though his Master bee severe; much more if we runne away from so indulgent a Master, as God is to us.*] But not to give strength or delight to this reason, by affording it a long or diligent answer, wee say, In our case the Servant runnes not from his Master, but to him, and at his call obeys his voyce. Yet it is as truely, as devoutly sayd, [*The devill is overcome by resisting, but the world, and the flesh by running away.*] And the farther, the better.

Bosquier. Conc. 7.

SECT. XI.

Of his reason of a Pilot.

His last, which is of any taste, is [*That in a tempest, it were the part of an idle and treacherous Pylot, to sinke the Ship.*] But I say, if in a Tempest we must cast out the most precious ware aboard, to save the lives of the Passengers, and the Marchant who is damnified thereby, cannot impute this to any, nor remedie himselfe, how much more may I, when I am weather-beaten,

and in danger of betraying that precious ſoule which God hath embarqued in me, put off this burdenous fleſh, till his pleaſure be that I ſhall reſume it? For this is not to ſinck the ſhip but to retire it to ſafe Harbour, and aſſured Anchor. And thus our fourth Diſtinction, which was to embrace the reaſons propoſed by particular Authors, whether Divine or Prophane, and aſwell Oblique and Metaphoricall, as Direct, ſhall here be determined.

Diſtinction V.

SECT. I.

ANother ſort of Reaſons is produced from grounds of *Morall Vertues*. Of which (a) S. *Thomas* propoſeth two, which we limit for this Diſtinction; for that of Saint *Auguſtine, That it is againſt Fortitude, both another roome.*) Firſt then *Aquinas* ſaies, it is againſt juſtice, and againſt Charity.

1. Of *Aquin.* two reaſons, from Juſtice and Charity. a 22. q. 64. ar. 5.

And the firſt in two reſpects, both becauſe he ſteales from the Univerſe, or from that State, to which his ſervice is due, one perſon, and member of the body; and alſo, becauſe he uſurpes upon the right of God. But the firſt of theſe may as well be ſaid of all who retyring themſelves

Of ſtealing away himſelfe from the State.

selves from functions in the Common-wealth, defraud the State of their assistance, and attend onely their owne ends, whether in this life, or the next.

3. Monastique retiring is, *in genere rei*, the same offence.

For certainely to doe even that, so intensly, as we neglect our office of Society is *in genere rei*, the same offence, as this.

4. The better opinion, that herein is no sinne against Justice.

But as there are many which follow *Aquinas* herein, so *Navar*, and *Sayr*, and others are upon better reason of opinion, that this can be no sinne against Justice.

5. I usurpe not upon his servant, but am his servant herein.

And for the second reason, This is not to usurpe upon Gods Authoritie, or to deale with another's servant, if I become his Servant, and his Delegate, and his Commissioner, in doing this, when he can be no other way so much glorysied. And though the passage from this life to the next, bee not generally left to our free-will, and no body be properly Lord of his own life, yet (b) [*Though we have not* Dominium, *we have* Usum, *and it is lawfull for us, to lose that when we will.*]

b *Sayr. Thesau. Cas. Consc. l. 7. ca. 9. Nu. 19.*

6. Though we have not *Dominium*, wee have *Usum* of this life, and we loose that when we will.

Betweene which negative killing, and positive killing, how little and narrow a distance there is, and how contiguous they are, we shall see in another place.

If therefore the reason why we may not dye thus, be, because we are not Lords of our own life, but only God, then the State cannot take away our life; for (c) [*That is no more Lord of our life, then we are,*] that is, he cannot doe

7. The State is not Lord of our life, yet takes it away.

c *Sayr. l. 5. c. 7. Nu. 2.*

it,

it, but in cases where she is Gods Officer.

And if in this case, there were any injury done to the State, then certainly it were in the power of the State, to license a man to doe it, and he should upon such a license be excusable in conscience. For this, in the State, were but *Cedere in re suo*, which any may lawfully doe.

And lastly, if the State were injured in this, the State might lawfully recompence the dammage, upon the heire and goods of the Delinquent; which, except in those places, where expresse Lawes allow it, cannot be done.

Yet, I thinke, the better opinion, (to judge by number of Authors) will be, That if that person be of necessary use to that State, there are in it some degrees of injustice; but yet no more, then if a Generall of much use, should retire into a Monasterie. But if we may safely take this resolution, That it is not against justice, we may ease our selves of all that labour which must bee spent upon the third part; for, since the foundation of that will be principally the Commandement, *Thou shalt not kill*; If this killing be not against Justice, it is no breach of any part of the *Decalogue*, and so no sinne.

If any should thinke, that it may be an injustice to our selves, (d) *Aquinas* in the same place cleares it. And if it were possible, for a man to injure himselfe, which is not, yet this injury might be oftentimes such an one, as *Cicero* sayes, his banishment was, [*Non modo non propul-*

8. If injurie were herein done to the State, then by a license from the State, it might be lawfull.

9. And the State might recompence her domage upon the goods, or heire

10. In a man necessary there may be some injustice in this act.

d 22. q. 59. ar. 4. ad 3.

11. No man can doe injurie to himselfe.

sands, sed emenda,] considering how much happinesse might recompence it.

12. The question, whether it be against Charity, respected to the third part.

And whether it be against Charity or no, because Charity is not properly a Morall vertue, nor of this place, because many of those places of Scripture, which we must handle in the last part, are built upon this ground of Charitie, we will not examine, till we come thither. Here I will onely say, That though it be yet under Disputation, and questionable, whether this be against Charity, or no; this is certainly against Charity to pronounce so desperatly, as men use to doe, against them who fall into it.

SECT. II.

Of Aristotles two reasons. Of Misery, & Pusilanimity.

Of such reasons derived from the rules of Morall vertue, *Aristotle* insinuates two. For observing that this kinde of death caught men by two baits, *Ease* and *Honour*, Against them who would dy to avoide Miserie, (a) Hee teaches *Death to be the greatest misery which can fall upon us.* Which (not to examine how it can consist with the rest of his Doctrine) was to that purpose, the most slipperie and insinuating perswasion.

a *Arist. Eth. l.3.c.6.*

And then, that Honour and Fame might draw none, (b) he sayes, *It is Cowardlinesse and Dejection, and an argument of an insufferable and impatient minde.* But of the first of these we have spoken before, in answer to one of *P. Martyrs* reasons.

b *Cap.7.*

reasons. And of the other we shall have occasion to say inough, when wee come to a place where Saint *Augustine* sayes the same thing, and so we may ease this Distinction of that businesse.

Infra fol. 249.

Distinct. VI.

SECT. I.

HAving thus considered those Reasons, which in the best Authors are to be found, and shewed such Rules, as serve for the true understanding of them, and of all others which spring from the same, or like heads, before wee determine this Second Part, which is of the law of Reason; it shall bee requisit that wee also touch those Reasons, which on our part are by others, and may bee by us produced, by which this *Seife-homicide* may be delivered either *a toto*, or *a tanto*

1. Of Reasons to be made on the other part.

But not to stop long upon that Law and practise in the State of *Rome*, That any who had his causes allowed in the Senate, might kill himselfe; upon which (a) *Quintilian* frames a Case, That a Sonne who by Mathematicians Predictions, was first to kill many Enemies, and then his Father; having in the warres performed the first

2. Of the Law of Rome, of asking the Senate leave to kill himselfe.
a *Declam.* 4.

3. Of the case in *Quintilian.*

part, makes petition to the Senate, that before he come to performe the last part, he may be admitted to kill himselfe, and argues it for the Sonne, by many reasons appliable to his particular case, and to our maine question, I will hasten to our chiefe strength.

SECT. II.

1. Comparison of Desertion and Destruction.

It may then give much light to this businesse, if we compare Desertion and Destruction, and consider where and wherein they differ. Certainly, in Almighty God, it is not the same thing to forsake and to destroy, because he owes us nothing; and ever in his forsakings there are degrees of Mercy, because hee might then justly destroy us, and may after at his good pleasure returne againe to us.

2. Of Omissions equall to Committings.

But betweene men who are mutuall Debtors, and naturally bound to one another, it is otherwise. For a Magistrate, or Minister that abandons his charge, and neglects it, destroies it. So sayes (a) *Agapetus* the Deacon to *Justinian* the Emperour, *Privati vitium est patrare, principis omittere.* Yea, a private man which hinders not a mans wrong, (when it belongs to him to do it) offers it. (b) [*Fame morientem si non pavisti, occidisti,*] saith *Ambrose.* And (c) [*That Clergie man which hinders not a manslaughter, if hee can, is thereby irregular.*] And he which to himselfe denies necessarie things, or exposes himselfe

a *In admonitorio.*

b *Dist. 86. passim.*

c *Tabula Parisiensium.*

ſelfe inordinatly to ſuch dangers as men uſe not to eſcape, kills himſelfe. He that is as ſure that this Medicine will recover him, as that this Poyſon will deſtroy him, is as guilty if he forbeare the Phyſicke, as if he ſwallow the Poyſon. For what is this leſſe, then to attend the ruine of a houſe, or inundation of a ſtreame, or incurſion of mad beaſts? They which compare Omiſſions, and Committings, require no more to make them equall, but that we omit ſomething which we could, and ſhould doe.

SECT. III.

1. In great ſinnes, the firſt ſtep imprints a guiltineſſe, yet many ſteps to Self-homicide are lawfull.

Firſt, therefore in all Lawes, in ſuch faults as are greateſt, either in their owne nature, or in an irremediableneſſe when they are done, all approaches, yea the very firſt ſtep to them, hath the ſame guiltineſſe, and is under the ſame puniſhment, as the fault it ſelfe. As in Treaſon and Hereſie, the firſt conſent is the abſolute fault.

And (a) we have an example of a Woman burnt for petie Treaſon, for compaſſing the death of her husband, though it were not effected.

a *Stanf. Plees de Coron. cap. Petie treaſon.*

Homicide is one of thoſe crying ſins, and hath ever beene reckoned *in Atrocibus*. For though the (b) *Athenians* removed all *Dracoes* Lawes by diſuſe, for their extreame ſeverity, yet they retained thoſe againſt *Homicide*.

b *Elian. l. 8. cap. 10.* 2. *Draans* laws againſt Homicide were retained.

And this *Homicide*, (c) ſaies *Tolet*, may bee done five wayes, by 1. Commandement, by

c *Precepto 5. 3. Tolets* five Homicides.

2. Advise, by 3. Permission, by 4. Helpe, or by the fact it selfe.

4. Foure of these were to be found in *Adams* first Homicide in Paradise.

And in the first and worst Homicide committed in Paradise, in which were employed all the persons in the world, which were able to concurre to evill, when though there was but one man, all the Millions which have been and shall be, were massacred at once and himselfe too, as many of these kindes of Homicides were found, as was possible in so few persons. For as (c) one notes, [*The Serpent counsailed, the Woman helped, and* Adam *perpetrated*,] and wee may safely and reverently say) God permitted If then every one of these be a kind of Homicide, no approach towards it can be lawfull, if any bee lawfull, that is not Homicide. Let us therefore consider how farre, and in how many of these waies *Selfe-homicide* may bee allowable.

c *Reuchlin. de verbo Mirifico. lib. 2. cap. 14.*

SECT. IIII.

1. Of Toletes first & second way by Precept, and Advise, or option.

First therefore, though it be the common received opinion, (a) [*Mandatorem, & Mandatarium eidem pœnæ subjici*,] Yet by the way of Precept, we cannot properly work upon our selves, because in this act, the same partie must be agent, and patient, and instrument.

a *Bartol. le. Non solum. F. de injuriis, . Si mandato,*

Nor very properly by the second way of advise, yet so neere, we may come to the nature of it, that after discourse we may advisedly chuse one

part

part, an I refuse the other, (for (b) *Cujus est velle, ejus est & nolle*) and so we may wish to our selves, that which is naturally evill, I meane, *Malum pœnæ*; as the (c) *Eremite* by earnest prayer obtained of God, that he might be possessed of the Devill for certaine moneths, because he found in himselfe an inclination to pride and securitie.

Thus certainely in some cases, we may without sinne wish Death; and that not onely for enjoying the sight of God, (for so (d) sayes a holy man, *Pro visione Dei, millies corpus nostrum morti dare optamus*) but even to be so delivered from the encumbrances of this life; for so it hath [*rationem boni*] (e) as *Peter Martyr* argues; and then, [(f) *Nove meliorem est Corruptio primæ habitudinis.*]

This therefore we may wish; and yet it is so farre from being lawfull to wish any thing which were evill; that [(g) *It is sinne to wish, that any thing which is naturally evill, were not so, that so wee might then wish it, when it were discharged of that naturall illnesse.*]

Death it selfe therefore is not evill, nor is it evill to wish it, is it evill to further that with more actuall helpe, which we may lawfully wish to be done?

These two extreme Religions, which seem to avile secular Magistracie, and subject Monarchs either to an Ordinarie, or else to a Consistorie, accept willingly this saying, *Curse not the King, no not in*

b *Reg. Jur.* 1. 2. We may wish *Malum pœnæ* to our selves, as the Eremite did to be possessed.

c *Sulpit. in vita Martini. Dialo.* 1.

3. Wee may wish death for wearinesse of this life.

d *Martialis ad Thelosanos.*

e *Comment. in Sam. l.* 1. *c. ult.*

f *Heptap. Pici. l.* 7. *Procem.*

4. It is sin to wish that evill were not so, that then wee might wish it.

g *Adrian quodlib.* 19. *ar.* 2.

5. What wee may lawfully wish, we may lawfully further.

6. Of wishing the Princes death.

in thy heart, That is, wish not ill to him. Nor have I observed that the Authors of either distemper have in their Books allowed, that the Subject might wish the death of the Prince, but in the same cases, where he might contribute his actuall helpe. For both Papists and Puritanes teaching that a lawfull King may become a tyrant, (which to my understanding cannot consist with the forme and right of an inheritable Monarchie.) Yet (h) one who pretends to go the middle way (and that is truely in this case, *Via Regia*, sayes, [*That as well wee, as the Romanists esteeme a King of another Religion a Tyrant.*] And [*That it is impossible to make such a King, but he must be a Tyrant, in the opinion of one side.*]

And for his own opinion delivers [(i) *That no man can be bound by oath of fidelity to the Pope, upon this reason, because he is not indeed* Vicarius Dei, *as he presumed him, and swore him to be.*]

And conformably to this, (k) that book whose title and scope is of the foundation of matter of State in *France*, and (as it pretends in all *Christendome*) when after it hath enraged Subjects against Tyrants, it comes to declare what a Tyrant is, exemplifies in the King of *Spaine*, and upon such reasons, as any Malignitie equall to that Author, may cast upon what Prince it will.

And lastly, who ever shall well compare (l) *Beccarines* booke, with *Bezaes*, (if that other be *Bezaes*) though they differ Diametrally in many

h *Saxavia de Imp. Author. Epistola.* 7. In some opinions, false Religiō makes a Tirant.

i *Lib. 2. ca. 36.* 8. Why an oth of fidelity to the Pope binds no man.

k *Declaration & Protestation des Docles de France. Anno 1605.* 9. Who is a Tyrant in these mens opinions.

Beccar. cont. lib. De. jure Magistrat.

ny things, yet by their colliſion and beating together, ariſe abundantly ſparkes of this peſtilent Doctrine, That as Tranquillity was, ſo now Religion is, the reaſon why wee admit Kings, and why they are none, when they neglect Religion; upon theſe Doctrines, I ſay, it is inferred, (m) [*That it is lawfull to wiſh the death of a Tyrant, or of a favourer of Heretiques, though he dye in mortall ſinne.*] To wiſh therefore, and to doe, are naturally the ſame fault; and yet, though it be (n) [*a ſinne to offer my ſelfe even to Martyrdome, only for wearineſſe of life.*] (o) [*Or to wiſh death ſimply for Impaciencie, Anger, Shame, Povertie, or Misfortune;*] yea to wiſh heaven meerely for mine owne happineſſe; yet certainely (p) S. *Paul* had ſome allowable reaſons, to *deſire to be diſſolved, and to be with Chriſt.* And (q) *Calvine* by telling us upon what reaſon, and to what end he wiſhed this, inſtructs us how we may wiſh the ſame. He ſayes, *Paul* deſired not death, for deaths ſake, for that were againſt the ſenſe of Nature, but he wiſhed it, to be with Chriſt.

Now, (beſides that, by his leave,) we deſire many things which are againſt the ſenſe of Nature, to grant that we may wiſh death to be in heaven, (though *Peter Martyr* before alledged, be of the ſame perſwaſion) is a larger ſcope, and ſomewhat more dangerous and ſlippery a graunt, then wee urge towards, becauſe herein onely the intereſt and good of the party ſeeme

m *Carbo. Caſ. Conc. Summa Summarum. Tom. 3. lib. 3. cap. 9.*

n *Sylveſt. verb. Martyr.*

o *Navar. Manual. Ca. 15. Nu. 11.*

p *Phil. 1. 23.*

10 How death may be wiſhed by *Calvine.*

q *In 2 Cor. 5. 1 Marlorate.*

Supra.

to be considered; And yet (a) *Emanuel Sá* extends it farther. [*That wee may wish sickneſſe to one, for his correction; and death for the good of the State; yea to our Enemie which is like to doe us much harme for avoiding this our particular damage, and we may rejoyce at his death, even for that reſpect of our owne delivery*] All which will hold as well, if we be urged with like reaſons, to wish it to our ſelves.

q *Eman. Sá Aphor. Confeſ. ver. Charitas.*

11 How we may wish death to another for our owne advantage.

To conclude therefore this point, That it may become lawfull to wish our owne death, I will onely relate an Hiſtory, which though it be but matter of fact (if it be ſo much) yet it is of ſuch a perſon, as his acts governe and perſwade, with very many, as farre as Rules. (f) In the life of *Philip Nerius*, who in our age inſtituted the laſt Religion approved and eſtabliſhed in the Church of *Rome*, we read, that he being entreated (as he was ordinarily in like deſperate caſes,) to come to one *Paulus Maximus* a youth of 14. who was then ready to expire his ſoule by ſickneſſe, before he could perfit his Sacrifice, and the office which hee had begunne, before the meſſage came to him, the young man dyed. When hee had been dead about halfe an houre, *Nerius* came, and after he had uſed ſome lowd exclamations, the youth revived againe, looked up, and talked in ſecret with *Nerius* a quarter of an houre. The diſcourſe ended, *Nerius* gave him his choiſe, whether he would live, or dye; and when the boy wiſhed

12 *Ph. Nerius* conſented to the death of one who wiſhed his own death.

f *Vita Phil. Ner. fol. 284.*

death,

death, he gave him leave to dy againe. Now, though it were a greater miracle, then any in that book; if any man should beleeve all that are in it, (for in it are attributed to *Nerius*, stranger things then the (t) book of Conformities imagined in Saint *Francis* (for I beleeve that Authuor purposed onely like *Xenophon* or *Plato*, or Sir *Thomas Moore*, to ideate and forme, then to write a credible History, though (u) *Sedulius* have defended it, with so much earnestnesse of late; yet thus much is established out of this, whether Fable or History, that their opinion, who authorised this book, is, that it was lawfull in *Maximus* to wish his own death, since a man of so much sanctity as *Nerius*, did approve and second, and accomplish that opinion of his.

t *Liber Conformi. Fran. & Christi.*

u *Sedulius Minor. advers. Alcor. Francis.*

SECT. V.

The next species of *Homicide* in *Tolets* division, is Permission; which when it is toward our selves, is by the Schoole-men usually called Desertion, or Dereliction, and *Mors negativa*.

1 Of *Tolets* 3. species. by permission which is *Mors Negativa*.

Of which I perceive not any kinde to be more obnoxious, or indefensible then that which is so common with our Delinquents, to stand mute at the Barre. And though Civill Lawes which are often enforced to chuse of two evills, the least, that is to say, the least hurtfull to civility and society, and must admit sometimes particular mischiefe, rather then a generall inconve-

2 Of standing mute at the Barre.

nience, may excuſe this; yet, ſince out of the law of Conſcience, which can in no caſe come to be ſo entangled and perplexed, that it can be forced to chuſe any thing naturally evill, no man hath as yet, to my knowledge, impugned this cuſtome of ours, it ſeemes to me, that aſwell our Church as our State, juſtifies this Deſertion of our ſelves: and this, for ſo low and worldly a reſpect, as the ſaving of our temporall eſtate, or eſcaping the ignominy of another death.

But that we may the better diſcerne the limits, how farre theſe Omiſſions, and Deſertions, and Expoſings of our ſelves, are allowed us; firſt I muſt interpret one (a) rule, [*That charity begins with it ſelfe, to bee underſtood onely in ſpirituall things.*] For I may not doe a ſinne, to ſave (in the language of Schoole-men) the goods, or honour, or life, of the Pope; but for temporall things I muſt prefer others before my ſelfe, if a publique profit recompence my private Domage. (b) I muſt alſo lay down another rule, [*That as for my ſelfe, So for my neighbour whom I am bound to love as my ſelfe,*]. I may expoſe goods, to ſafegard honour, and honour, for life, and life for ſpirituall profit. And to theſe I muſt joyn a third rule, (c) [*That no man is at any time enforced to exerciſe his priviledge.*] [*For the written Law every man is bound to know, but* (d) *priviledges and exemptions from that Law, he may be excuſably ignorant of, and in ſuch ignorance tranſgreſſe them.*] Hereupon it is lately infer'd, that though every man have naturally

3 Three rules from *Sotus*, *Navar*, and *Mald.* to guide us in theſe Deſertions of our ſelves.

a *Soto. de teg. ſæret. membr. 1. q. 3.*

b *Navar. Manual.*

c *Sum. Maldo. q. 14. ar. 6.*

d *Acacius de priviligiis l. 2. cap. 9.*

rally this priviledge, to resist force with force, and be authorised by that, to lay violent hands, even upon the Popes life, as (e) *Gerson* exemplifies, or upon the Emperours, as (f) *Acacius*, when either of them exceeds the limits of their Magistracy, (for then the party becomes the Deputy, and Lieutenant to Nature, which is a common and equall Soveraigne to them all.)

Yet I may wayve this benefit, if I will, and even by a theefe, I may suffer my selfe to be killed, rather then kill him in that mortall sinne. (g) Which our Countryman *Sayr*, holds as the common opinion from *Scotus*, *Navar*, *Cajetan*, and many others. And none, that I have seen excepts to it, in any other person then a Souldier, or such as hath the lives and dignities of others so enwrapped in theirs, as they cannot give away themselves, but by betraying others. And this Desertion seems to bee of Naturall reason, because it is to be found in all lawes; for even in the (h) *Alcorum* we read [*Vindicans non est reus, Patiens tamen optime facit.*]

And our law, which if a man kill another in his own necessary defence, punishes him with losse of goods, and delivers him from death, not by acquitall, but by way of pardon, seemes to me, to pronounce plainly, that it is not lawfull to defend my life by killing another; which is farther, then any of the others went. And when I compare our two lawes, That if I defend my selfe I am punished, and the other before mentioned,

e *Gerson.*
f *Acacius de privile. l. 1. c. 8.*

4 I may suffer a thiefe to kill me.

g *Sayr Thesau. Cas. Conf. l. 7. cap. 9. nu. 17.*

h *Alcor. Azoar. 52.*

5 Of *se defendendo* in our law.

mentioned, That if I kill my ſelfe I am puniſhed in the ſame manner, and meaſure, they ſeeme to me, to be ſomewhat perplexed and captious.

6 I am not bound to eſcape from priſon if I can, nor to eate rather then ſtarve.

And as I may depart from my naturall priviledge of defending my ſelfe, ſo I may obtain from any extrinſique or acceſſory helpe, which is caſually, or by providence (if God reveale not his will therein) preſented unto me, (i) [*for a man condemned to death, is not bound in conſcience to redeeme his life with money, though by the law of the place he might doe it.* And though (k) Saint *Thomas* ſay, [*That he which is condemned to dy, kills himſelfe, if he apprehend not, an opportunity to eſcape by flight when it is preſented, and likewiſe if he refuſe meate, when he is condemned to be famiſhed,*] yet the (l) whole ſtreame is againſt him, *Sotus*, *Navar*, *Cajetan*, and *Sayr*. And *Navar* adds, that in theſe dayes (and yet now it is not ſo likely to be *Symbolum Idolatricæ pravitatis*) a man is bound rather to famiſh, then to eat meat offred to Idols.

i *Eman. Sa. Aphor. Confeſ. ver. Charitas.*

k *Aquin. 22. q. 69. ar. 4. ad 2.*

l *Sayr Theſau. Caſ. Conſ. l. 7. cap. 9.*

7 For ends better then this life, we may neglect this.

And therefore they ſay, that *Aquinas* his opinion, That a man is bound to uſe his priviledge for ſafegard of his life, is onely true then, when he doth not wayve it, for ſome end better and worthier then our naturall life; of which ſort all ſpirituall advantages are. So that in ſuch caſes they all agree, we may abandon and forſake our ſelves.

8 I may give my life for another.

And we may ſtep farther yet in this Deſertion, for we may offer our ſelves for the good of our neighbour. For the temporall life cannot be

be more precious then our ſoule, which, in rigour is murdered by every ſinne conſented unto. Yet (m) *Chriſoſtome* ſayes, [*No praiſe is enough to give* Sara *for conſenting to ly, and to ſubmit herſelfe to Adultery for ſalvation of her husbands life.*] I know (n) Saint *Auguſtine* is earneſt againſt this.

But his earneſtneſſe is upon the matter of fact, for he denyes that either *Abraham* or *Sara* conſented to any ſinne; But when he (o) diſputes *De jure*, whether *Sara* by *Abrahams* conſent might expoſe her ſelfe, to ſave his life, and is much troubled with the example of one which was priſoner, for debt to the State, under *Acindinus* a Præfect, under *Conſtantius*, whoſe wife being ſolicited by a rich man, who would give ſo much as would diſcharge her husband, to poſſeſſe her own night, by her husbands conſent, earned his liberty in that manner, at laſt he leaves it indifferent for any man to think it lawfull or unlawfull in ſuch a neceſſity, though indeede his own opinion decline from it. (p) *Bonaventure* denies, that for the temporall good of another, I may offer willinlgy my life. But he grounds it upon the ſame reaſon that (q) *Auguſtine* doth; That we may not love another more then our ſelves, which in this caſe we ſeeme to doe.

But many of the Fathers, *Hierome*, *Ambroſe*, and *Lactantius*, and many of the Schoole, as *Aquinas Fra. Victoria*, *Soto*, *Bannis*, and infinite are againſt

m *Chriſ. Hom.* 32. *in Genes.*

n *Aug. l.* 22. *adver. fauſtum. cap.* 33.

9 *Chriſoſtomes* opinion of *Sarahs* ly, and Adultery. And St. *Aug.* of that wife who proſtituted her ſelfe to pay her husbands debt.

o *Ca.* 27. *& primo: De ſerm. Dom. in monte.*

p *Bonavent.* 3. *Diſt.* 29. *q.* 3.

q *Aug. de mendacio. c.* 6.

10 That to give my life for another is not to prefer another, as *Bonaventure*, and *Aug.* ſay, but to prefer vertue before life.

againſt him: and anſwer Saint *Auguſtine* thus, That in that caſe, a man doth not prefer his friend before himſelfe, but he prefers an Act of vertue, and of friendſhip, as things of more ſpirituall Nature, before his own temporall life.

But that for the ſpirituall good of another, a man ſhould expoſe his own life, is an unreſiſted doctrine, and as (r) *Sayr* ſaies, [*It is* ſub præcepto,] So (ſ) a Curate is bound to baptize, and to anoint in the plague time. Yea, it is an act of Vertue, though not of neceſſity, (as in the Curates caſe) (t) [*To viſit a ſick man, in ſuch a time, though you bee a private man, and your end be not ſpirituall comfort.*

And we may yet proceed farther, for wee may lawfully diſpoſſeſſe our ſelves of that, which was before afforded us, and without which we can have no hope to ſuſtaine our lives. (u) As in a perſecution, a private man, having food left ſufficient only to ſuſtaine one man, may give it to a publike perſon, and ſo periſh. And only *Sotus* denyes, that in a ſhipwrack, if after wee have both beene in equall danger, I catch and poſſeſſe my ſelfe of any thing to ſuſtaine me, I may give this to my Father, or to a Magiſtrate: againſt the ſtrength of *Navar*, *Tolet*, *Fra. Victor.* and many others.

The fartheſt, and uttermoſt degree of this Deſertion, is inordinate and indiſcreete voluntary faſting, of which Saint *Hieroms* (as it is (x) related

11 For ſpirituall good is without queſtion.

r *Sayr Theſau. Caſ. Conſ. l. 7. c. 9. nu. 17.*

ſ *Emau Sa. Aphor. Cov. verbo Charit.*

t *Idem verbo Ho.*

12 I may give another that without which I cannot live.

u *Aquin. 22. q. 32. ar. 6. Sotus.*

13 I may over-faſt my ſelfe.

(x) related into the Canons) sayes, [*That by such an immoderate innocence, and indiscreete singing of Psalmes, and Offices, a man looseth his dignity, and incurres the note of madnesse,*] And upon this place (y) *Navar* sayes, That Saint *Hierome* pronounceth, an [*Indiscreete fasting which shortens the life, if the party perceive that it worke that effect, though it be without intention to shorten his life, and that he doe it, to be the better able to satisfie God, yet it is a Selfe-Homicide.*] And (z) hee adds in another place, speaking of the same purpose, [*It makes no difference whether thou be long in killing thy selfe, or doe it at once*]

And (a) so *Cassianus* sayes expresly, [*That that Friar killed himselfe, which having vowed in his journey, to eat nothing except God gave him meat immediately, refused to eat, when theeves accustomed to kill passengers by that place, came and presented him bread.*] And yet, though he saies he killed himselfe, he imputes nothing to him but Indiscretion. And therefore saith (b) one, [*Our Saviour Christ exceeded not 40. dayes in his fast, Ne sui Homicida videretur.*] And he interprets that word, (c *Esuriit*, [*That then he perceived his body to languish and suffer detriment by fasting*] For, if he had not hungred till then, his fasting had had no vertue. So that he gave over, when he found the state of his body impaired by fasting, yet pursuing and imitating the superstition of the Philosophers, who taught that (e) [*Dum corpus augemus, mortaliores efficimur,*] And that (e) [*Per tenuitatem*

x *De Consecr. Dist. 5. Non Mediocriter*

y *Navar ex Dist. 5. de cons.* This in Saint Hieroms opinion is Selfhomicide.

z *Soto de tegsecret nem. 1. q. 3. ex Hieron*

a *Cas. Collatione 2. c. 6.* 15 Of the Friar whom *Cassianus* calls a *Selfe-Homicide* for refusing bread from a theefe, upon a vow. Of Christs fast.

b *Bosquier Cove. 17.*

c *Idem Cove. 18.* 16 Of Philosophers inordinate fasts.

d *Porphir. de Abstin. Anti.*

e *Idem de occasionibus.*

tem assimilamur Deo,] How much the writers in the Romane Church suffer, and obliquely adhort these inordinate Fasts, and other disciplines, appears by that which I cited out of *Clarus Bonarscius* before, and wheresoever they have occasion to speake thereof.

Supra.

17 Of the devills threatning S. *Francis* for fasting.

And in no one thing more, then that they inculcate so often, [*That it was the practise of the Devill, to appeare to Saint* Francis, *and cry out to him, that no man which kills himselfe with such maceration, could be saved,*] which (f) *Bonaventure* relates in his life.

f *Cap. de Austeritate.*

8 Examples of long fasts.

What soever hath beene done by others, they teach, we ought to exceede. And since (g) [*The Monkes in Prester* John *his Dominions, fast strictly fifty dayes, and stand all that time to the chinne in water.*] Since they finde in (h) *Abbas Vrsperg*, a maid that fasted two year and a halfe after she had received the body of our blessed Saviour.

g *Middendor. de Academiis fol.* 298.
h *Lilius Gyr. Dialog.* 17.

19 Reasons, effects, and obligations, to rigorous fasts.

And an *Eremit* 22. yeares, without receiving any thing, they say no fast can be too severe, which is undertaken to reduce our body to a tamenesse. Yea, (i) [*though that be already perfectly effected, yet a man is bound to the fasts injoyned.*] For (k) [*Fasting, without charity, doth wash away sinne.*] By this rigor of fasting, they seeme sure, that our Saviour watched all those 40 dayes: because (l) [*Qui dormit, prandet.*] And as it is not likely that *Moses* slept in his 40 dayes conversation with God, so is it unlikely that Christ did lesse then he. And so Saint *Francis* is extoll'd by

i *Sayr Thesaur. Cas. Cons. l.* 3. *cap.* 7. *n.* 13.
k *Azor. Mor. Inst. pa.* 1. *l.* 7. *cap.* 33.
l *Bosqui. Couc.* 17.

by them, for observing three Lents every year, which (m) Saint *Hierome* so much detests in the *Montanists*. And though their ends were divers, yet this shewes, that to some ends, these enormous witherings of our bodies are allowable. Upon which reason (n) *John Baptists* austerity is so much dignified; And (o) Saint *Peters* feeding upon Lupins; And (p) Saint *Matthewes* living without flesh. And not onely the Emperour *Iustinians* choise, (q) [*Who in an extreme sickenesse in Lent, would take nothing but hearbs, and salt, and water,*] but also the (r) *Carthusian* Rule, by which though it appeare that flesh would save the Patients life, hee may not eate it. And by the (s) Apostolicall constitutions, (which *Turrianus* extols so much, that by them he confutes much of the Reformed Churches doctrine) [*A man must fast to death, rather then receive any meat, from an Excommunicate person.*] And in another Chapter, (t) [*If any thing be in a case of extreame necessity accepted from such a person, it may bee bestowed in full, that so their Almes may be burnt, and consumed to ashes, but not in meate to nourish our selves withall.*]

So, to determine this Section of *Desertion*, since we may wayve our defence which Law gives, by putting our selves upon a Jurie; and which Nature gives, to repell force with force, since I may without flying, or eating when I have meanes, attend an Executioner, or Famine, since I may offer my life, even for anothers temporall

m *Hier. Epist. ad Marcell.*

n *Mat.3.4.*

o *Greg. Naz. Oratio, de Cura pauperum.*

p *Clem. Alex. l.2. Pædag.c 1.*

q *Procop. Gaz. l.1. de ædificiis Iustiniani.*

r *Sayr. Thesau. Cas. Consl.7. c.9.N.30.*

s *Clem. Apostol. Constit. l. 4.cap.7.*

t *Ibid.cap.9.*

20 Corollary of this Section of Desertion.

rall good, since I must doe it for his Spirituall; since I may give another my board in a Ship-wracke, and so drowne, since I may hasten my arrivall to heaven, by consuming penances, it is a wayward and unnoble stubbornesse in argument, to say still, I must not kill my selfe, but I may let my selfe dye, since of Affirmations and Denyals, of Omissions and Committings, of Enjoying and Prohibitory Commands, ever the one implies and enwraps the other. And if the matter shall bee resolved and governed only by an outward act, and ever by that, if I forbeare to swimme in a river and so perish, because there is no act, I shall not be guilty, and I shall bee guilty if I discharge a Pistoll upon my selfe, which I knew not to be charged, nor intended harme, because there is an act.

(u) *Mariana de Rege, l. 1. cap. 7.*

Of which latter opinion (u) *Mariana* the Jesuite seemes to be, as we shall have occasion to note, in the next Member and *Species of Homicide*, which is, *Assistance*.

SECT. VI.

2. Of another degree of *Homicide*, by Mutilation, which is not in *Toletus* Division.

But before we come to that, we must, though it be not, nor naturally could be delivered in *Toletus* Division, consider another *Species* of *Homicide*, which is *Mutilation* or *Mayming*.

For, though in Civill Courts, it be not subject to like penaltie, yet if it bee accompanied with the same Malignitie, it is in conscience the

the same sinne, especially towards our selves; because it violates the same reason, which is, that none may usurpe upon the bodie over which he hath no Dominion.

Upon which reason, it is also unlawfull for us to deliver our selves into bondage; (which I mention here, because it ariseth from the same ground, and I am loath to afford it a particular Section. Yet (a) holy *Paulinus*, a Confessor, and Bishop of *Nola*, then whom I find no man celebrated with more fame of sanctitie and integritie, to redeeme a Widowes Sonne, delivered himselfe as a a slave to the *Vandals*, and was exported from *Italy* to *Africque*; and this, as I thinke, when hee was necessary to that place, being then there Bishop; for that was but five yeares before his death.

2 Of delivering ones selfe into bondage.

a *Baron. Martirol.* Junii 2.

But to returne to Mutilation, (b) it is cleare by the Canons, that towards irregularity, it works as much, and amounts as farre, to have maymed, as to have killed.

b *Tabula Paris. irregularis.*

And (c) in a Councell at *London*, *Anno* 1075 one Canon forbids a Clergy man, to bee present at judgement of death, or of Mutilation. And amongst the (d) Apostles Canons this is one, [*He that gelds himselfe cannot be a Clerke, because he is an Homicide of himselfe, and an enemy to Gods creature.* [(e) *And to geld, is to maime in our Law.*]]

3 By divers Canons it is all one fault.

c *Binius To. 2. pa. 2. fo. 1280.*

d *Can. Apost. Can. 21.*

e *Stanf. Pleas del Coron.*

So in the next Canon it is said, [(f) *A Clerk which gelds himselfe must be deposed*, Quia homi-

f *Can. 23.*

cida sui.] (g) *And a Lay-man must for that space be excommunicated three yeares,* quia vitæ suæ posuit insidias.] It was therefore esteemed equivalent to killing.

g *Conc.* 23.

And (h) *Calvine*, esteemed it so hainous, that he builds his Argument against Divorce upon this ground, [*God made them one Body, and it is in no case lawfull, for a man to teare his owne body.*] But if this be so lawfull as Divorces are lawfull, certainly this peremptorie sentence against it, must admit some modification.

h *Calv. in Mat.* 19. 4. *Marlorate.*

4 Of *Calvins* argument against divorce, upon the ground of Mutilation.

Without doubt, besides the examples of holy men who have done it, to disable themselves from taking the burden of Priesthood, of which (i) Saint *Marke* the Evangelist was one, who to that end cut off his thombe. And besides, that as our Saviour said, (k) [*Many should geld themselves for the Kingdome of heaven.*] So (l) *Athenagoras*, 50 yeares after Christ, saies, [*that many did practise it.*] It is doubted by none, [*But* (m) *that a man unjustly detained to a certaine execution, may cut off that limbe by which he is tyed, if he have no other way to escape: or being encompassed with dogs, he may cut off a hand, and cast it to them, to entertaine them while he escape.*

5 The example of Saint *Mark* to escape Priesthood.

i *Hier. Prolog. in Marcum.*

k *Mat.* 19. 12.

l *Orat. vero Anto. & commodo Philosophis.*

m *Gayr Thes. Cas. Cons.* 1. 7. *cap.* 9.

6 In what cases it is cleare that a man may maime himselfe.

SECT. XII.

The last species of *Homicide*, on this side the last act, is an actuall helping and concurrence to it. And every step and degree conducing purposely

7 Of Rules fourth way, by actual helping

posely to that end, is as justly by Judges of Consciences, called *Homicide*, as (a) *Ardoinus* reckoning up all poysons, which have a naturall malignity and affection to destroy mans body, forbeares not a Flea, though it never kill, because it endeavours it, and doth all the hurt it can; and he is diligent in assigning preservatives and restoratives against it.

a *Ardoinus de venenis l.8.c.20* *Ardoinus* reckóns a Flea amongst poysons because it would kill.

And (b) so to that *Amalekite*, which told *David* he helped *Saul* to dy, when hee found him too weake to pierce himselfe, *David* pronounced judgement of death, for (saith hee) thine owne mouth hath confessed, *That thou hast kill'd the Lords Anointed.*

b *2 Sam.1.16.* *2 David* condemned the *Amalekite*, who said, he helped *Saul* to dye.

Certainely, (c) *Mariana* the Jesuite, whom I named before) esteemes this actuall concurrence to ones death, as heavy as the act it selfe; yea, as it seemes, though the party bee ignorant thereof. For, after hee concluded how an Hereticall King may be poisoned, he is diligent in this prescription, [*That the King bee not constrained to take the poyson himselfe, but that some other may administer it to him: And that therefore it be prepared, and conveied in some other way then meate or drinke, because else, saith he, either willingly or ignorantly he shall kill himselfe.*] So that hee provides, that that King who must dye under the sinnes of Tyranny and Heresie, must yet be defended from concurring to his owne death, though ignorantly, as though this were a greater sinne.

c *Mariana de Rege l.1.c.7.* *3 Marianaes* opinion, that a King drinking poyson, prepared and ministred by another, he being ignorant, is a *Selfe-homicide.*

Since

Since therefore this hastning of our death by such an act, is the same, as the intire *Selfe-homicide*, let us consider how farre inveterated Custome, and example, and Law doth either allow or command it.

For that it is allowable, it seemes to me some proofs. [(d) *That before any man accuses him, a Malefactor may go and declare his fault to the Judge.*]

Though amongst *Italian* relations, (e) that in *Sansovine* concerning *England* have many marks and impressions of malice, yet of that custome, which hee falsely sayes to bee observed here, [*That men condemned to be hanged are ever accompanied to their Executions by all their kinred, who then hang at their feet, to hasten their ende. And that when a Patient is abandoned by the Physicians, his neerest kinsman strangles him with a pillow.*] Of this, I say, that Author had thus much ground, that ordinarily at Executions, men, out of a Charitie, as they thinke, doe so, and women which are desperate of sicke persons recovery, use to take the pillow from under them, and so give them leave to dye sooner. Have they any more the Dominion over these bodies, then the person himselfe? Or if a man were able to doe these Offices to himselfe, might he not doe it? Or might he not with a safe conscience put so much waights in his pockets, as should countervaile their stretchings? I speake but comparatively; might not he doe it as well as they?

For

d *Sotus de teg. Secret. Memb.* 1. q. 1.

4 A Malefactor unaccused, may accuse himselfe.

e *Sansovin. de Gover.*

5 Of *Sansovinus* relation of our customes at Executions, and withdrawing the pillow in desperate cases.

For to my understanding such an act, either in Executioner or by-stander, is no way justifiable; for it is both an injury to the party, whom a sudden pardon might redeeme; and to the Justice, who hath appointed a painfull death to deterre others. (f) The breaking of legs in Crucified men, which was done to hasten death, was not allowed but upon Petition. And the Law might be much defrauded, if such violence might be used, where the breaking of the halter delivered the Prisoner from death; as in some places it doth; and (g) good opinions concurre, that it is to doe ever without doubt, whatsoever is for ease, or escaping painfull passage out of this life; in such cases, a man may more allowably doe by his owne act, then a stranger may. For Law of Nature enclines and excules him, but they are by many Lawes forbidden to hasten his death, for they are no otherwayes interessed in it, then as parts of the whole body of the State, and so it concernes them, that Justice be executed. Yet we see, this, and the other of withdrawing the pillowes, is ordinarily done, and esteemed a pious office. The *Athenian* Executions were ever by the hand of the offendor, in judgements of poyson.

And in (h) that law of Purgation assigned by God, to ease a man on whom the spirit of Jealousie was come, the Woman was to take the water of curses and bitternesse, which should make her infamous, and her belly swell, and her

6 Of breaking leggs of men at executions: And of breakinge the halter.

f *Iohn* 19.

g *Lucas de penna l.* 1. *c. de deser. et occult. Iohan. de Ant. Soliloq.* 5. *Optne. in D. leg. Imperium.*

h *Num.* 5. 7 Of the purgations assigned by *Moses* in cases of jealousie.

her thighs to rot. And those formes of Purgation, which were called *Vulgares*, lasted long, even in the Church; For there is nothing extant against them, till (i) *Stephen* the fift, *Anno* 885.

And not onely (k) *Charles* the great, in whom the Church acknowledged Piety enough, induced one forme severer then the rest, which was to walke upon 9 burning Harrows. But (l) *Britius* a Bishop, being but callumniated by the people extrajudicially, to have got his Laundresse with child, after his innocence had prevailed so farre with God, that the childe of 30 daies age, being adjured in the name of Christ, had acquitted him, did not admit, but chose and extorr a forme of Purgation, to carry burning coales upon his head. With us, (m) both the species of *Ordalium* lasted evidently till King *Johns* time.

And though into that of boyling water men were forced to goe, yet that was but for the meaner sort; but to carry the three pound weight of red hot Iron, which was for the Purgation of the persons of better qualitie, was an act, as all the former were, in which a man must of necessitie doe some thing actually himselfe, and bee the Executioner of his owne Judgement; which as long as *those formes of Purgation*, and the other by Battell, were lawfull, was lawfull also to be done.

And in S. *Dorotheus*, who every where professes

Of formes of purgation called *Vulgares*. i 2. q. 5. consuluisti.

k *Tholos. Syn.* l: 48: c: 15. n: 7.

l *Greg. Turo. Hist. Fraucor.* l: 2: c: 1: 9 *Charlemaine* brought in a new purgation. And *Britius* a B. another being acquitted before.

m *Lamb. de legibus priscis Anglorum.*

10 With us both kindes of *Ordalium*, by water, and fire lasted till K. *Iohns* time.

11 In al these, and in battaile the party himself assisted to his payne.

fesses a love to that obedience, which himselfe calles indiscreet, you shall reade many prayses given to men, who did not onely forsake themselves, but actually further their destruction; though not effectually; which makes no difference, if it be in dangers, which usually men escape not. (n) He prayseth one Fryar, who being by his Abbat commanded to returne that night, the waters being risen, committed himselfe to a raging torrent, in such an obedience.

And another, who being bid by his Abbat, to goe into the Towne, where he doubted hee should fall into some tentation, by some spectacle, went but with this protestation, *That he hoped not in the protection of God, but in him who sent him.* But the most naturall to our present purpose is this; (o) That a holy old man seeing his servant mistake poyson for honey, and put it into his broth, eate it nevertheless without chiding; and when the servant perceived it, and exclaimed, Sir, I have kill'd you, answere; it is all one, for if God would have had mee eate honey, he would have directed thy hand to honey.

Of the holynesse of *Joseph of Arimathæa*, we have testimony enough; (p) who being sent by the Apostles to preach the Gospel, amongst other persecutions, was constrained to drinke poyson: in which there must of necessitie bee such an act, as we dispute of now.

How much did [(q) *Saint* Andrew *contribute*

12 Three examples of actuall helpers to their owne destruction in *S. Doroth.*

n *B: Doroth. doctrinâ 1. de Renunciatione.*

o *Idem Doct. 7. de accus. sui ipsius.*

p *Supplement. Chron. an. Chr.* 3.

13. Of *Joseph* of *Arimathæa* his drinkinge poyson.

q *Navar manca: 1. n. 28.*

14. Of Saint *Andrew* and Saint *Lawr.*

r *Controv.* 3.

to his owne Crucifying? How much Saint Laurence *to his broyling, when he called to the Tyrant, This side is enough, turne the other, and then eate?*] [(r) *Magni quod faciunt, præcipiunt,*] sayes, *Quintillian.* And these acts of men, otherwise esteemed holy, may ever be good warrants and examples to us, when the cause is not prejudged by any greater authoritie, as Scripture, or Councells, nor that very act accused by any Author.

15. *Casuists* not clear whether a condemned man may doe the last act to his death.

But to stay no longer upon Examples, amongst *Casuists* I observe the greater number to deny, that it is lawfull for a man condemned, to doe the last and immediate act conducing to death, as the drinking of poyson; But the acts somewhat more removed, they agree he may doe.

s *Relect. de Homicid: n: 30: in resp. ad 8.*

16. But unto Curates and Priests sometimes it is *sub præcepto*, even without condemnation.

t *Sayr Sum: Sacram. pœnit: cap 32.*

And even this act of drinking poyson, (s) *Fra: a Victoria* defends, to be lawfull. So that amongst them it is not clear, but that a man may do it. Yea, in very many cases, it is not onely lawfull to doe as much, without any condemnation, but it is necessary, and by their rules, sinnefull to omit it. For Curates must goe to infected houses, to minister the Sacraments. And (t) if a Priest enter a wood, where three waite to kill him, and one of them repenting that purpose meet him; and by way of Confession *sub Sigillo*, discover the fault, the Priest is bound to goe forward to a certaine death into a wood, rather then by returning to let the others know, that he knew it by confession. So peremptory is their Doctrine, how ever their practise be, against revealing

ling Confessions. And though perchance this seeme a wanton case, framed upon impossible concurrences, as (u) *Soto* esteemes of it, yet the reason may have use; That though selfe-preservation be Divine Naturall Law, and the seale of Confession but Divine Positive Law, yet because circumstances are not alike, in this, a publique good shall be preferred before his private life. So that we may doe some Acts our selves, which conduceth probably, yea certainly, as farre as humane knowledge can reach, to our destruction: which is the neereſt step to the last act of doing it intirely our selves.

u *De reg. Sec. memb.* 3. q. 4.

SECT. VIII.

Of which last act, as we spoke whilst we considered the Law of Nature, and must againe when we come to understand those places of Scripture, which seeme to ayme towards it, so before wee conclude this part, of the Law of Reason, we may fitly present such deductions, comparisons, and consequences, as may justly seeme in reason, to annihilate or diminish this fault. Of which, because most will be grounded, either upon the conscience of the Doer, or upon the Churches opinion of the fact when it is done, wee will onely consider how farre an erring Conscience may justifie any act, and then produce some examples of persons guilty of this, and yet canonized by the Church, by admission

1. Of *Tolets* last *Species* of Homicide which is the act it selfe.

2. How farre an erring conscience may justifie.

into the Martyrologe, and assigning them their Feasts, and Offices, and Vigils, and like religious Celebrations. Therefore to make no use of (a) *Pythagoras* example, who rather then hee would offend his Philosophicall conscience, and either tread upon the Beanes himselfe, or suffer his Scholers to speake before their time, delivered up himselfe, and forty of them to his Enemies sword. And to avoide the ambages and multiforme entangling of Schoolemen, herein we will follow that which is delivered for the common opinion, which is, (b) that not onely a conscience which errs justly probably and *Bona fide*, that is, after all Morall industry and diligence hath beene used, (yet I meane not exquisite diligence, but such as is proportionall to the person, and his quality, and to the knowledge which that man is bound to have of that thing, at that time) is bound to doe according to that mis-information, and mis-perswasion so contracted. But also, if it erre negligently, or otherwise viciously, and *mala fide*, as long as that errour remaines and resides in it, a man is bound not to doe against his conscience.

In the first case, if one in his conscience thinke that hee ought to lye, to save an innocent, or that he ought to steale to save a famished man, he is a Homicide if he lye not, or steale not.

And in the second case, though he bee not bound to any Act, yet is it lawfull to him then, to shun any thing necessary otherwise. And this

obligation

a *Diog. Laert. lib. 8.* 3 *Pythagoras* conscience.

b *Azor. Inst. Mor p. 1. l. 2. cap. 8.*

obligation which our Conſcience caſts upon us, is of ſtronger hold, and of ſtraighter band, then the precept of any Superiour, whether Law, or perſon; and is ſo much *juris naturalis*, as it cannot be infringed nor altered, *beneficio divinæ indulgentiæ*, to uſe their owne words. Which Doctrin, as it is every where to be gathered among the *Caſuiſts*, ſo is it well collected and amaſſed, and and argued, and confirmed, eſpecially by *Azorius*. If then a man after convenient and requiſite diligence, deſpoiled of all humane affections, and ſelf-intereſt, and [*Sancto bonæ impatientiæ igne exardens*,] as *Paulinus* ſpeaks; do in his conſcience beleeve that he is invited by the Spirit of God to doe ſuch an act as *Ionas*, *Abraham*, and perchance *Sampſon* was, who can by theſe rules condemne this to be ſinne? And therefore I doubt there was ſome haſte and præcipitation in (c) *Caſſianus* his judgement, though otherwiſe, a very juſt eſteemer and valuer of works of devotion and obedience; who pronounces that that apparition of an Angell, to *Hero* an Eremir, after 50 yeares ſo intenſe and earneſt attending of Gods ſervice, and religious negligence of himſelfe, that he would ſcarſe intermit Eaſter day, from his ſtrict faſting, and being now (d) *Victoriarum conſcientia plenus*, (as the Panegyrique ſaies) was an illuſion of the Devill to make him deſtroy himſelfe. Yet *Hero* being drawn out of the Well into which he had caſt himſelfe, and living three dayes after, perſiſted in a devout acknowledgement

Epiſt. 3. Severi. lib. 1.

c *Caſſian. Collat. 2. cap. 5.*

4 Of the apparition to *Hero* an Eremite by which he killed himſelfe, out of *Caſſianus*.

d *Nazarius Conſtantio.*

ledgement that it was the Spirit of God, which sollicited him to that, and dyed in so constant an assurance and alacrity, that *Paphnutius* the Abbat, though at first in some suspence, did not number him *inter Biathanatos*, which were persons reputed vitiously to have killed themselves.

Nor may it be necessarily concluded, that this act was therefore evill, if it appeared to be from the Devill. For (e) *Wierus*, tells us of a maid whom the Devill perswaded to goe such a Pilgrimage, and at such an Altar, to hear a Masse, for recovery of her health.

Certainly if as (f) *Vasquez* holds, [*it be not Idolatry to worship the Devill in an Apparition, which I thinke to be God*] it can be no offence to beleeve him, after I have used all meanes to discerne and distinguish : For not onely those Rules which are delivered ordinarily to know him by, are apparantly false, which are a difference in his hands or feet, or some notable deformity by hornes, or a tayle, of which (g) *Binsfeldius* seems confident of the first, and (h) *Menghi* of the second. But that Rule that God alwaies infuseth or commands good things, if it be understood of that which is good, in the common and naturall course is not alwaies safe, for it held not in *Abraham*, nor the Israelites case. Therefore though *Vasquez* his first excuse, That such a worship is not Idolatry, because by reason of our immediate relation to God, we never arrest nor stop upon the Devill by the way, will doe

5 The Devill sometimes sollicites to good.

e *Wier. l. 5. c. 1.*

f *Vasq. de adorat. l. 3 disp. 1. cap. 5.*

6 By *Vasquez* it is not Idolatry to worship God in the Divell.

7 Rules to distinguish the spirits by marks are false.

g *Binsfeld. de confes. sagarum, f. 67.*

Menghi fustis Dæmonum, cap. 8.

8 So is the Rule, That good Angels alwaies move to good ordinarily.

doe no good in our case of beleeving, yet his other will, which he hath in the same place, That there may be an invincible ignorance, and that in that any exterior act whatsoever, proceeding from a sincere and pure intention of the mind, is an act of true Religion. For safelier then the (i) Panegyrick could say to *Constantine*, [*Suaque cuique Prudentia Deus est*] may we say of every mans conscience thus rectified. If therefore they will still turn in their circle, and say, God concurs to no evill, we say nothing is so evill, but that it becomes good, if God command it, and that this is not so naturally evill, that it requires a speciall commission from God, but as it becomes good, if he commands it, so it becomes indifferent, if he remove the reasons with which the precept against it was conditioned. If they returne to S. *Augustins* two reasons against *Donatus*, whereof the first was, [*me have authority to save thy body against thy will,*] And the second, [*None of the faithfull ever did this act*] we are thereby hastned to the other consideration, how they which have done it, have been esteemed of by the Catholique Church.

But to speake a little in passing of Saint *Augustines* second reason, (for the first hath very little force, since though it may be lawfull to preserve a man willing to die, yet it is not alwaies of merit, nor obligatory; And therefore (k) *Ignatius* doth so earnestly dehort the *Romans* from endeavouring to succour him. And (l) *Corona Civica*

9. As in adoration, so in this case, invincible ignorance may excuse.

i *Inc. Constan*

Supra.

10. Of Saint *Aug.* his first reason to *Donatus*, that we may save one against his will.

k *Ignatius ep. ad Romanos.*

l *Aut. August. Epist. Tarrac. de leg. Roman. cap. 44.*

Civica which was given to any which had rescued a Citizen in the warres, was not given though he produced witnesses of the fact, except the person so rescued confessed that he received a benefit thereby;) why doth S. *Augustine* referre *Donatus* in that second reason, to examples. For if *Donatus* had produced any (as out of credible and authentique History he might very many, and out of Scriptures Canonicle in (m) S. *Augustines* opinion, he might have alledged the example *Eleazar*, and of *Rufis*,) Saint *Augustine* was ever provided for this retrait, That it was a speciall inspiration, and not to be drawn into consequence or imitation.

Had it been a good Argument in *Rome* for 500. yeeres, that Divorce was not lawfull, because (n) no example was of it? Or almost for 2000. That a woman might not sue to age against her Husband, because (o) till *Herods* daughter there was no example of it? But now when the Church hath thus long persevered, in not only justifying but solemnizing many examples hereof, are not Saint *Augustines* Disciples guilty of the same pertinacy which is imputed to *Aristotles* followers, (p) who defending the Heavens to be inalterable, because in so many ages nothing had been observed to have been altered, his Schollers stubbornly maintain his Proposition still, though by many experiences of new Stars, the reason which moved *Aristotle* seems now to be utterly defeated?

11. Of his second of examples: and of his escape if *Donatus* had produced examples.

m *De civitate Dei l.* 18. *cap.* 38. *et lib.* 2. *cont. Gaudent. cap.* 23.

12 Divorce in Rome, and in Jurie long without example.

n *A. Gellius l.* 4. *cap.* 3.

o *Serarius de Rabbin. et Herodibus cap.* 17.

13. S. *Augustines* schollers in this point of example, as stubborne as *Aristotles*, for the heavens inalterablnes, though the reason of both be ceased.

p *Keplerus de Stella Serpent. cap.* 23.

Thus much being ſpoken by the way of Saint *Auguſtine*, and having purpoſely ſepos'd the examples recorded in the Scriptures, for our third part, we will conſider ſome Examples regiſtred in the Eccleſiaſtick Hiſtory.

The Church whoſe dignity and conſtancy it becomes well, that that Rule of her owne Law, be ever juſtly ſaid of her ſelf, (q) [*Quod ſemel placuit amplius diſplicere non poteſt*] where new reaſons do not interpoſe, (r) celebrates upon the 9. of *February* the Birth, (that is the death) of the Virgin and Martyr *Appollonia*; who, after the perſecutors had beat out her teeth, and vexed her with many other tortures, when ſhe was preſented to the fire, being inflamed with a more burning fire of the Holy Ghoſt, broke from the Officers hands, and leapt into the fire.

For this act of hers many Advocates riſe up for her, and ſay, that either the Hiſtory is not certain, (yet the Authors are *Beda*, *Uſuardus*, *Ado*, and (as *Baronius* ſayes) *Latinorum cæteri*) Or elſe, (ſ) ſays *Sayr*, you muſt anſwer that ſhe was brought very neer the fire, and as good as thrown in: Or elſe that ſhe was provoked to it by divine inſpiration. But, but that another divine inſpiration, which is true Charity, moved the beholders then to beleeve, and the Church ever ſince to acknowledge, that ſhe did therein a Noble and Chriſtian act, to the ſpeciall glory of God, this act of hers, as well as any other, might have been calumniated to have been done, out of weari-

q *Sextus Reg. Iur: quod ſemel.*

r *Baron. Martyrolog.*

14. Of the Martyr *Apollonia.*

15 Of anſwers in her excuſe.

ſ *Sayr. Theſaur. Caſ. Conſ. l. 9. c. 7. num. 11.*

rineſſe of life, or fear of relapſe, or haſt to Heaven, or ambition of Martyrdome.

The memory of (t) *Pelagia*, as of a virgin and Martyr, is celebrated the ninth of *June*. And though the Hiſtory of this woman ſuffer ſome perplexity, and giue occaſion of doubting the truth thereof, (for *Ambroſe* ſays, That ſhe and her Mother drownd themſelves; and *Chryſoſtome* that they flung themſelves downe from a houſe top. And *Baronius* ſaw this knot to be ſo hard to unenrangle, that he ſays, [*Quid ad hæc dicamus, non habemus*]) yet the Church, as I ſaid, celebrates the Act, as though it were glad to take any occaſion, of approving ſuch a courage in ſuch a cauſe, which was but preſervation of Chaſtity. [(u) *Their Martyrdome ſaith Saint* Auguſtine *was ever in the Catholique Church frequented* Venerationе Celeberrima.]

And (x) Saint *Ambroſe*, when his ſiſter *Marcellina*, conſulted him directly upon the point, what might be thought of them who kill themſelves in ſuch caſes, (and then it is agreed by all that the opinions of the Fathers are eſpecially to be valued, when they ſpeake of a matter, not incidently or caſually, but directly and deliberately) anſwers thus, [*We have an example of ſuch a Martyrdome in* Pelagia] And then he preſents her in this religious meditation, [*Let us die, if we may have leave, or if we be denied leave, yet let us die. God cannot be offended with this, when we uſe it but for a remedy*;] and our faith takes away all offence.

Here

t *Baron. Mart.* 16. Of the Martyr *Pelagia.*

17. Though her Hiſtory be very uncertain the Church ſeems glad of occaſion to celebrate ſo noble a fact.

18. *Auguſtins* teſtimonie of her.

u *Auguſt. de Civitate Dei l.* 1. *cap.* 26.

x *De Virg. l.* 3. 19 *Ambroſe* meditation upon her.

Here is no difficulty: for who is willing to dye, & cannot, since there are so many waies to death? I will not trust my hand least it strike not home: nor my breast, least it withdraw it selfe: I will leave no escape to my flesh, for we can dye with our own weapons, and without the benefit of an Executioner.

And then having drest her selfe as a Bride, and going to the water, Here, sayes she, let us be baptized; this is the Baptisme where sinnes are forgiven, and where a kingdome is purchased: and this is the baptisme after which none sinnes. This water regenerates, this makes us virgines, this opens heaven, defends the feeble, delivers from death, and makes us Martyrs. Onely we pray to God, that this water scatter us not, but reserve us to one funerall. Then entred they as in a dance, hand in hand, where the torrent was deepest, and most violent. And thus dyed, (as their mother upon the bank called them) [*These Prelates of virginitie, Captaines of Chastitie, and companions in Martyrdome.*]

29. *Eusebius* his Oration imagind in the person of her mother.

And before *Ambrose*, we finde (y) *Eusebius* to have been of the same perswasion, who thus produces the Mother encouraging them; [*You know how I have brought you up, in the feare of God, and shall your nakednesse, which the publike eye hath not had leave to see, now be prostituted in the Stewes? Have not so little faith in God, as to feare death, Despise not Chastity so much, as to live with shame; but with a pure and chaste death condemne this world.*

y *Eusebius Eccles. Histor: l. 8. cap. 4.*

And ſo, deluding their Keepers, as though they withdrew for naturall neceßities, they drowned themſelves.] All Authors of that time are ſo profuſe in the praiſe of this fact, that it is juſt to ſay thereof, as (z) *Pliny* ſayes of *Nervaes* adopting *Trajane*, [*It was impoßible it ſhould have pleaſed all when it was done, except it had pleaſed all before it was done.*]

z *Plin. paneg. Trajan.*

For no Author, that I have lighted upon, diminiſhed the glory of theſe and ſuch other, untill Saint *Auguſtine* out of his moſt zealous and ſtartling tenderneſſe of conſcience, began to ſeeke out ſome waies, how theſe *Selfe-homicides* might be juſtified, becauſe he doubted that this act naturally was not exempt from taxation. And yet ever hee brings himſelfe to ſuch perplexitie, as either he muſt defend it, and call in queſtion, the authority of a generall conſonance of all times and Authors, or retire to that poore and improbable defence, that it was done by Divine inſtinct. Which can very hardly be admitted in this caſe, where not their Religion but onely their Chaſtitie was ſolicited and attempted.

21. S. *Auguſt.* firſt of any doubted their fact, and did ſeeke ſhifts to defend it which it needed not.

Nor can Saint *Ambroſe*, or *Euſebius* be drawn to that opinion of eſpeciall Divine inſtinct, becauſe ſpeaking *ex animo*, though in the mothers perſon, they incite them to it with reaſons from Morrall vertues.

Yet Saint *Auguſtines* example, (as it prevailes very much, and very juſtly for the moſt part)

22. S. *Auguſt.* example hath drawne *Pedraca* to the ſame ſhift, of ſpecial divine inſtinct in a like caſe.

hath

hath drawne many others since to the like interpretation of the like acts. For when the kingdome of *Naples* came to bee devided betweene *Ferdinand* the fifth, and *Lewis* the twelfth, the French Army being admitted into *Capua*, upon condition to do no violence, amongst many outrages, a virgin not able to escap the fury of a licentious Souldier, offered for ransome to lead him to treasure: and so tooke advantage of a place in the wall, to fling her selfe into the River. [*Which act*, (a) *sayes* Pedraça, *we must beleeve to be done by Divine inspiration, because God loves chastity now as well as ever he did.*] Which escape every side may finde easie, if being pressed with reason they may say, as *Peter Martyr* doth of the *Egyptian* Midwives, and of *Rahab*, and such, (b) [*If they did lye, they did it impulsu Dei.*]

But as our custome hitherto hath been, let us depart from Examples to Rules; though concurrence of Examples, and either an expresse or interpretative approbation of them, much more such a dignifying of them, as this, of the whole Church, and of Catholike Authors approved by that Church, bee equivalent to a Rule. And to ease the Reader, and to continue my first resolution of not descending into many particulars, I will onely present one Rule, but so pregnant, that from it many may be derived, by which, not onely a man may, but must doe the whole and intire action of killing himselfe, which is, to preserve the seale of Confession. For

a *Pedraca Cas. de consc. 5. præc. Hispanica Editio.*

b In Jud 3. 23. So sayes P. *Martyr* of the Midwiues and of *Rahabs* lye.

For though (c) the Rule in generall bee, [That if a Spider fall into the Chalice, the Wine may be changed, because, *Nihil abominabile debet sumi occasione hujus Sacramenti.*] And so (d) it may, if the Priest after Consecration come to the knowledge that the Wine is poysoned, [*Ne talis vita veratur in mortem*;] Yet (e) if hee know this by Confession, from his assistant, or any other, and cannot by any diversion, nor disguise, escape the discovering, that this was confessed to him, without drinking it, if it bee poyson, he must drinke it.

But because men of more abundant reading, active discourse, and conclusive judgement, will easily provide themselves of more Reasons and Examples, to this purpose; it shall satisfie me, to have awakened them thus much, and shewed them a marke to direct their Meditations upon. And so I may proceed to the third Part, which is of the Law of God.

24. To preserue the seale of confession a man may be bound to kill himselfe.

c *Io: de Lap. Cur. Missales c. 6: art. 5.*

d *Ibid.*

e *Sotus de reg. secret. memb: 3. q: 4.*

The Third Part.

OF THE LAW OF GOD.

Distinction I.

SECT. I.

1 An induction to the handlinge of these places of scripture.

THat light which issues from the Moone, doth best represent and expresse that which in our selves we call the light of Nature; for as that in the Moone is permanent and ever there, and yet it is unequall, various, pale, and languishing, So is our light of Nature changeable. For being at the first kindling at full, it wayned presently, and by dedeparting further and further from God, declined by generall sinne, to almost a total Eclipse: till God comming neerer to us first by the Law, and then by Grace, enlightned and repayred it againe, conveniently to his ends, for further exercise of his Mercy and Justice. And then those Artificiall Lights, which our selves make for our use and service here, as Fires, Tapers,

and ſuch reſemble the light of Reaſon, as wee have in our Second part accepted that Word. For though the light of theſe Fires and Tapers be not ſo naturall, as the Moone, yet becauſe they are more domeſtique, and obedient to us, wee diſtinguiſh particular objects better by them, then by the Moone; So by the Arguments, and Deductions, and Concluſions, which our ſelves beget and produce, as being more ſerviceable and under us, becauſe they are our creatures; particular caſes are made more cleare and evident to us; for theſe we can be bold withall, and put them to any office, and examine, and prove their truth, or likelihood, and make them anſwere as long as wee will aske; whereas the light of Nature, with a ſolemne and ſupercilious Majeſtie, will ſpeake but once, and give no Reaſon, nor endure Examination.

But becauſe of theſe two kindes of light, the firſt is to weake, and the other falſe, (for onely colour is the object of light, and we not truſt candlelight to diſcerne Colours) we have therefore the Sunne, which is the Fountaine and Treaſure of all created light, for an Emblame of that third beſt light of our underſtanding, which is the Word of God. (a) *Mandatum lucerna, & Lex lux,* ſayes *Solomon.* But yet (b) as weake credulous men, thinke ſometimes they ſee two or three Sunnes, when they ſee none but Meteors, or other apparance; ſo are many tranſported with like facilitie of dazzling, that for

a *Prov. 6.*
b *Plin: l. 2: cap 31.*

some opinions which they maintaine, they think they have the light and authority of Scripture, when, God knowes, truth, which is the light of Scriptures, is Divine truely under them, and removed in the farthest distance that can bee. If any small place of Scripture, mis-appeare to them to bee of use for justifying any opinion of theirs; then (as the Word of God hath that precious nature of gold, that a little quantity thereof, by reason of a faithfull tenacity and ductilenesse, will be brought to cover 10000. times as much of any other Mettall,) they extend it so farre, and labour, and beat it, to such a thinnesse, as it is scarce any longer the Word of God, only to give their other reasons a little tincture, and colour of gold, though they have lost all the waight and estimation.

But since the Scripture is self-teaches, (c) [*That no Prophecie in the Scripture, is of private interpretation.*] the whole Church may not be bound and concluded by the fancie of one, or of a few, who being content to enslumber themselves in an opinion, and lazy prejudice, dreame arguments to establish, and authorize that.

A (d) professed interpreter of Dreames, tells us, [*That no Dreame of a private man may be interpreted to signifie a publike businesse.*] This I say, because of those places of Scripture, which are alledged for the Doctrin which we now examine, scarce any one (except the Precept, *Thou shalt not kill*) is offered by any two Authors. But no one,

c 2. *Pet.* 1: 20.

d *Artemidorus de somn. interp. l.* 1. *cap.* 2.

one, one place, to another, another ſeemes directly to governe in the point, and to me, (to allow Truth her naturall and comely boldneſſe) no place, but that ſeemes to looke towards it.

2. Why I forbeare to name them who cite theſe places of Scripture.

And therefore in going over all thoſe ſentences, which I have gathered from many Authors, and preſenting convenient anſwers and interpretations thereof, I will forbeare the names of thoſe Authors, who produced them ſo impertinently, leaſt I ſhould ſeeme to diſcover their nakednesſe, or inſimulat them even of prevarication.

3. If any oppoſe an anſwer what I intreat of him.

If any Divine ſhall thinke the cauſe, or perſons injured herein, and eſteeme me ſo much worth the reducing to the other opinion, as to apply an anſwer hereunto, with the ſame Charitie which provoked me, and which, I thanke God hath accompanied me from the beginning, I beſeech him, to take thus much advantage from me and my inſtruction, that he will doe it without bitternesſe. He ſhall ſee the way the better, and ſhew it the better, and ſaile through it the better, if he raiſe no ſtormes.

e *Matt.* 1. 17.

4. Why Clergy men may fish, or hunt but not with dogs.

f *Ex Dist. 86. Esau.*

Such men, (e) as they are [*Fishers of men*,] ſo may they alſo hunt us into their nets, for our good. But there is perchance ſome myſtique interpretation belonging to that (f) Canon which allowes Clergy men to hunt; for they may doe it by Nets and Snares, but not by Dogges; for clamour and bitings are forbidden them.

And I have been sorry to see, that even *Beza* himselfe, writing against an Adversary, and a cause equally and extreamely obnoxious, onely by allowing too much fuell to his zeale, enraged against the man, and neglecting, or but prescribing in the cause, hath with lesse thoroughnesse and satisfaction, then either became his learning and watchfulnesse, or answered his use and custome, given an answer to *Ochins* booke of *Polygamy*.

5. Of *Beza's* answer to *Ochins* Polygamy.

Distinction II.

SECT. I.

IN all the Iudiciall, in all the Ceremoniall Law delivered by *Moses*, who was the most particular in his Lawes of any other, there is no abomination, no mention of this *Selfe-Homicide*. He teacheth what we shall, and shall not, eate, and weare, and speake, and yet nothing against this.

1. No place offered out of Iudiciall nor Ceremoniall law.

SECT. II.

But the first place that I find offered against it is, in *Genesis*. [*I will require your blood wherein your lives are, at the hand of every beast will I require*

Of the place in *Gen.* 9. 5.

quire it, and at the hand of man, even at the hand of a mans brother will I require the life of man; who so sheddeth mans bloud, by man shall his bloud be shed.]

2. We are not bound to accept the interpretations of the Rabbins.

And this place a very learned man of the Reformed Church, sayes, the *Jewes* understand of *Selfe homicide*. But shall wee put our selves under the *Iewes* yoake, (a) [*That if we finde in the Rabbins, things contrary to Nature, wee must dare to accuse nothing but our owne weakenesse, because their word is Gods Word, and if they contradict one another, yet both are from God.*]

a *Buxdorfius Synag. Iudaica ex Rabbi Isaac cap: 1. fol. 62.*

b *Lyra in hunc locum.*

3. Of *Lyra* and of *Sâ* his Hebraismes.

(b) *Lyra* who seldome departs from the *Iewes*, in matters not controverted between them, and us, toucheth upon no such expolition, yet hee expounds it more then one way, and with liberty enough, and farre straying.

c *Ema. Sâ Not: in universa Script.*

And (c) *Emanuel Sâ*, who in his notes is more curious, and superstitious, in restoring all the Hebraismes, and oftentimes their interpretations, then perchance that Church would desire at his hands, offers at no other sense then the words present, how can *Selfe homicide* fall within the commination and punishment of that Law, for how can the Magistrate shed his bloud, who hath killed himselfe?

SECT. III.

Of the place in *Deuter.* 33. 39.

The next is in *Deuteronomie*: [*I kill, and I give life.*] Out of which is concluded, that all au-

thority of life and death is from God, and none in our selves.

But shall we therefore dare to condemne utterly, all those states and governments, where Fathers, Husbands, and Masters, had jurisdiction over Children, wives, and servants lives? If we dare, yet how shall we defend any Magistracy, if this be so strictly accepted? and if it admit exceptions, why may not our case be within those?

4. Iurisdiction of Parents, Husbands, Masters, and Magistrates, must consist with this place.

How soever that this place is incongruously brought, appears by the next words, [*There is not any that can deliver from my hand*] or this being a Verse of that divine poem, which God himselfe made and delivered *Moses*, as a stronger and more slippery insinuation and impression into the *Israelites* hearts, then the language of any Law would make, expresses onely that the mercies and judgements of God, are safe and removed from any humane hinderance, or interruption. So (a) in another gratulatory Song made by *Samuels* mother, the same words are repeated, [*The Lord killeth and maketh alive,*] and this because God had given her a son, when she was past hope. That place also in *Tobit* (b) is fitly paralel with this, [*He leadeth to hell, and bringeth up, nor is there any that can avoid his hand.*] And can these two places be detorted to their purpose, That none but God may have jurisdiction over our temporall life? Or (c) that place of the book of *Wisdome*, which is also ever joynod as of the same signification with these, [*for thou hast the power of life,*

5. This place must be interpreted, as the other places of Scripture which have the same word, from which no conclusion can be wrested against this fact.

a 1. *Sam:* 2. 6.

b *Tob:* 13. 2.

c *Sap:* 16. 13.

and

and death] which is ſpoken of his miraculous curing by the Brazen Serpent. So that all theſe foure places have one reſpect and ayme, and none of them look towards our queſtion.

SECT. IIII.

1. Of the place of Iob 7. 1.

In the order of the Divine books, the next place is produced out of *Iob*, [*Militia eſt vita hominis ſuper terram.*] for, though our tranſlation give it thus, [*Is there not an appointed time to man upon earth?*] yet the Latine Text is thus cited to this purpoſe, by ſome not addicted to the Vulgar Edition, becauſe it ſeems in Latine better to afford an argument againſt *Self homicide*. For hereupon they infer, that we may not depart at our own pleaſure from the battell. But becauſe onely the Metaphor and not the extending of it, nor inference upon it, is taken out of the Scripture, it brings no ſtrong obligation with it, nor deſerves much earneſtneſſe in the anſwer, yet to follow him a little in his Alluſion, a) [*a Souldier may by Law, be ignorant of the Law, and is not much accuſable of the ignorance of it.*] And by (b) another Law, it [*a Souldier, whoſe preſence is neceſſary for the ſafeguard of the Army, may be abſent cauſe Reipub. and being abſent, his abſence ſhall be interpreted to be ſo.*] And (c) even to thoſe which called themſelves in the Army, we noted before in the ſecond part, That the Lawes were not ſevere, if they had any colour of juſt cauſe. So that this figurative argument

2. Why they cite this place in Latine.

a *Digeſt. li: 22. tit: 6. le: 9.*

b *L. 4. tit: 6. leg: 44.*

3. Of ſouldiers priviledges of abſence by law.

c *Supra.*

gument profits then nothing, especially being taken from this place where the scope of *Job* was to prove that our felicity and end upon which our actions are bent, is not in this life, but as wars work to peace, so we labour here to death, to that happines which we shall have after. And therfore whosoever were author of that letter which hath (d) Christs name to *Abgarus*, doth not make Christ say, that when he hath done that for which he was sent hither, he will come to him, and take his offer of halfe his Kingdome, but that when he hath done, he will returne to him which sent him: That is he will die, so that if either side have advantage by this place of *Job*, we have it.

4 *Iobs* scope is, that as war works to peace So here we only labour to Death.

d *Euseb. l. 1. cap. 13.*

5. Of Christs letter to King *Abgarus*.

SECT. V.

And by the other place of *Job* much more, which is, [*Therefore my soule chuseth rather to bee strangled, and to die, then to be in my bones.*] Hereuupon they infer, That if it might have been lawfull to die so, *Job* would have done it. But besides that the wretched poverty and feeblenesse of this manner of Negative arguments, *Iob* did it not, therefore he might not do it, we may perceive by the whole frame of the History, that God had chosen him for another use, and an example of extream patience. So that for any thing that appears in *Iobs* case, he might not lawfully doe it, because he could propose nothing but

1. Of the place *Iob* 7. 15.

2. Why this was not lawfull to *Job*.

his own ease. Yet *Iob* whose sanctity I thinke it sacriledge to diminish, whether he were a person or personate, in their confession strayed thus farre towards killing himselfe, as to wish his death, and curse his birth; for his whole third Chapter is a bitter and malignant invective against it, and a violent wishing of his own death.

(a) *Sextus Senensis* gives an answer for him so literall, as it can admit of reach to no sense, which is, [*That cursing his birth day which then was past, he cursed nothing.*]

And (b) Saint *Gregory* gives an answer so mysticall, as no sense can reach to it, which is, [*That there is a second birth into Sinne in this world, and* Job *cursed his entrance into that.*] And so because these words might bee readily taken for an inordinate wishing of death; *Gregory* provides them also a mysticall interpretation, for the Latine reading is thus, [*Suspendium elegit anima mea,*] he says, [*This was* Suspendium *spirituale, which was but an elevation of the minde, as S. Paul said, Christo crucifixus sum cruci*] But besides that this escape will not serve, when the Originall word is considered, and that the next verse is, *Desperavi, nequicquam ultra vivam*] in the twentieth verse, he chides God by the name of [*O thou preserver of men*] as being angry that he preserved him, [*Being now a burthen to himselfe, and would not leave him alone, whilst he might swallow his spittle.*] And he ends that Chapter thus, [*If thou seekest me in the morning, I shall not be found.*] This I say

a His words seeme to shew some steps toward a purpose of *Selfe-homicide.*

4. *Sex: Sen.* and *Gregories* exposition thereof.

a *Sex: Sen: Bibliot. Sanct. lib: 8. Heres. 10.*

b *Greg. Mor: l: 4. cap. 6.*

Gal: 2.

say, onely to show that one whom none hath exceeded in holiness, may without any detortion of his words, be argued to have stept farre towards a purpose of killing himselfe. Who list to give any other construction to his words shall not displease me, nor impaire the strength of our Proposition.

And though I confesse, I have not read any to expound these words of *Iob* directly thus, and though I know the opinion in generall of his despairing, be thus much discredited, that it is held by the *Anabaptists*, yet besides that, it is not just nor ingenuous, to condemn all that a condemnd man says, for even a leprous man may have one hand clean to take and give withall. And S. *Hier.* is inexcusable, in that point of his slippery zeal, in his behaviour towards *Vigilantius*, yea the *Trent* Councell it selfe is obnoxious therein, for condemning Names of Authors, and not Books. Besides this I say, the Anabaptists differ from me in their end and purpose, for they impute despaire to *Iob*, onely to infirme the Authority of the booke, which scismatically they labour to rent from the Canon of Scripture: But I justly with the consent of all Christian Churches admitting it for such, say that *Iob* might keep his sanctity, and the Book his Dignity, and yet he might have a purpose to kill himselfe.

For very many reverend Authors in the Reformed Church, not rashly to be forsiken, have imputed to our most blessed Saviour, as neer approaches

4. Wherein I differ from the Anabapt. who affirme that *Iob* despaired.

6. *S. Hierome* and the *Trent Councell* erre in condemning all which a condemned man saith.

7. Of them which impute despayre unto Christ.

proaches to a more dangerous kind of despaire, then we impute to *Iob*, without diminishing him, or his Scriptures.

SECT. VI.

1. Of the place *Iob* 2. 4.

I finde also another place of *Iob* obtruded. [*Skin for skin, and all that ever a man hath will he give for life.*] From which words they argue a Naturall love in us to this life.

Let it be true, (though the Devill say it, for the words are his) that our sensitive Nature is too indulgent to this life, (though I feare I have offended and surfetted you in the first Part with Examples of meer Naturall and Sensitive men, which have chosen death,) yet will that prove that our Reasonable Nature may in no case correct that enormity? This is as strong against Gods outward calling us to him by sicknesse, or persecution, as against any such inward motions.

SECT. VII.

1. Of the place *Eccl.* 20. 16.

As unproperly, and unprofitably to their ends and purpose, do they offer that place of *Ecclesiasticus*, [*Non est census supra censum salutis Corporis*,] which I place here, though out of Order, because of the affinity betweene this place, and the last, and that one answer, is, at least, enough for them both. For, though this place

may

may prove that wee naturally love this body, (yet it is not of the safety of the body, as if all men desired that the body might live, but it is of bodily health whilst it doth live,) yet it proves not, that wee may in no case abandon it.

2. This place is not of safety, but of health.

Sect. VIII.

The most proper, and direct, and strongest place is the Commandement, for that is of Morall Law, [*Thou shalt not kill*,] and this place is cited by all to this purpose.

1. Of the place *Exodus* 20.

But I must have leave to depart from (a) S. *Augustines* opinion here, who thinks that this Commandement is more earnestly bent upon a mans selfe, then upon another, because here is no addition, and in the other, there is, [*Against thy Neighbour*,] or certainely, I am as much forbid by that Commandement to accuse my selfe falsely, as my Neighbour, though onely he be named. And by this I am as much forbid to kill my neighbour as my selfe, though none be named. So, as it is within the circuit of the Command, it may also bee within the exceptions thereof. For though the words be generall, *Thou shalt not kill*, we may kill beasts; Magistrates may kill men; and a private man in a just warre, may not onely kill, contrary to the sound of this Commandement, but hee may kill his Father, contrary to another.

a 23. q: 5. *Si non licet.*

2. *S. August.* thinks this law to concerne ones self more directly then another.

3. This law hath many exceptions.

When two naturall Lawes contrary to one another occurre, we are bound to that which is *strictioris vinculi*.

c. Lawes of the first Table are *strictioris vinculi*, then of the later.

As all Lawes concerning the Honour of God, and Faith, are in respect of the second Table, which is directed upon our Neighbour by Charitie. If therefore there could bee a necessity, that I must doe an act of Idolatry, or kill, I were bound to the later.

5. A case wherin it is probable that a man must kill himself.

By which Rule, If perchance a publique exemplary person, which had a just assurance that his example would governe the people, should be forced by a Tyrant, to doe an act of Idolatry, (although by circumstances he might satisfie his owne conscience, that he sinned not in doing it,) and so scandalize and endanger them, if the matter were so carried and disguised, that by no way he could let them know, that he did it by constraint, but voluntarily, I say, perchance he were better kill himselfe.

It is a safe Rule, [(a) *Iuri Divino derogari non potest, nisi ipsa derogatio Iuri Divino constet.*] But since it is not thought a violating of that Rule, [(b) *To kill by publique Authority, or in a just Warre, or defence of his life, or of anothers.*] why may not our case be as safe and innocent?

a *Acatius de privil. l. c. 3.*

b *Navr. Manual. cap. 15. n. 2.*

If any importune me to shew this Priviledge, or exemption of this case from the Commanment, I may with (c) *Sotus* retort it, and call for their priviledge to kill a Day-thiefe, or any man in defence of another.

c *Supra.*

And

And so these Lawes may be mediately and secondarily deduced from the conformity of other Lawes, and from a generall Authority which God hath afforded all Soveraignes, to provide as necessities arise; So may our case bee derived as well from that necessary obligation which lyes alwayes upon us, of preferring Gods glorie above all humane respects. So that we cannot be put to shew, or pleade any exemption, but when such a case arises, wee say that that case never was within the reach of that Law. Which is also true of all the other which we called exemptions before.

6 As Lawes against Daytheeves may be deduced from the Law of God authorizing Princes, so may this from the Commandement, of preferring Gods glory.

For, whatsoever might have bene done before the Law, as this might, if it be neither against Nature, nor Justice, from both which we make account that wee have acquitted it,) upon that, this Commandement never fell, nor extended to it.

7 Whatsoever might have been done before the Law, this Law forbids not.

SECT. IX.

I have found also a place urged out of the Booke of *Wisdome*, which is, [*Seeke not death in the errour of your life.*] Which being ever coupled with another place in *Deuteronomie*, by collation of the two places it appeares, That that which is forbidden there, is Idolatry, and by Death is meant the *Second Death*, or the way to it.

1 Of the place *Sap.* 1. 12.

Deut. 4. 24.

And so this Distinction which was intended for

for the places cited from the Books of the Old Testament, shall here have an end; and to the next we allow those of the New.

Distinct. III.

SECT. I.

OF which the first that I have observed is in *Matthew*, where the Devil tempts Christ, thus, *If thou be the Son of God, cast thy self down.* With all Expositors I confesse, this was a temptation to vain glory, and therefore most applyable to our case, where we make accompt, that we work somwhat to the service of God, and advancement of his glory, when we allow this to be done; and it is a very slippery passage, and a devout man were out of the nature of devotion, should he erre that way, then a worldly, but that the hand of God is extended to the protection of such.

But directly this place will not shake, nor attempt our proposition, for though Christ would not satisfie the Devill, nor discover his cheate, yet he did as much when it conduced to his owne ends, as the Devill tempted him to in this place, or the other, both in changing the species and

nature

Of the place *Matth.* 6.

2. Christ, where it conduced to his owne ends, did as much as the Devill did tempt him to in this place.

nature of water into Wine, and in exposing himselfe to certaine danger when he walked upon the waters. Christ refused no difficultie, nor abstained from Miracles, when he knew he profited the beholders; nor doe I say, that in any other case, then when we are probably and excusably assured, that it is to a good end, this may be lawfull to us.

SECT. II.

The next place is in the Acts of the Apostles. [*The keeper of the prison drew out his Sword, and would have killed himselfe, supposing the Prisoners had beene gone; But Paul cryed, Doe thy selfe no harme, for we are all here.*] To which I say, That by the same Spirit by which *Paul* being in the inner Prison in the darke, knew what the Keeper thought, and what hee was about to doe without, hee knew also Gods purpose to be glorified in the conversion of him and his Family; and therefore did not onely reclaime him from that purpose, which was inordinate, and for his owne sake, to escape punishment, (in which yet wee may observe how presently Mans nature inclines him to this remedy) but also forbears to make his benefit of this Miracle, and to escape away: and so, though he rescue the Keeper, he betrayes himselfe.

1. Of the place *Acts* 16. 17.

2. *S. Paul* knew Gods purpose of baptising the keeper.

3. Els saith *Calvin*, he had frustrated Gods way to give him an escape by the keepers death.

And therefore *Calvin* upon this place makes to himselfe this objection, [*That Paul seeing all his*

his hope of escape to consist in the death of the Keeper, neglected that way of liberty which God offered him, when he restrained the Keeper from killing himself.] And he answers it onely thus, [*That he had a conscience and insight into Gods purpose and decree herein.*] For otherwise, if he had not had that (which very few attaine to have) it seemes he ought to have permitted the keeper to proceed, to facilitate thereby his way of escaping.

SECT. III.

1. Of the place Rom. 3. 8.

Which also inferres some answer to another place of Saint *Paul*, where hee delivers and discharges himselfe, and his fellow Apostles, of having taught this Doctrine, [*That a man might doe evill, that good might come thereof.*] And consequently it is well and by just Collection pronounced that he forbids that Doctrine.

2. How *Paul* forbids evil to be done for good.

And we also humbly subscribe to that Rule, and accept it so, as Saint *Paul* intends it; that is, in things which Nature, and not Circumstance makes evill. And in these also, when any such circumstance doth make them evill, as another circumstance to the contrary doth not praponderate and over-rule this. This therefore we must have liberty to enlighten with a larger discourse.

3. God always inflicteth *Malum poenæ* by Instruments.

Of the evils which seeme to us to bee of punishment, of which kind Death is, God ever makes others his executioners; for the greatest

greatest of all, though it be spirituall, which is Induration, is not so wrought by God himselfe immediately, as his spirituall comforts are, but Occasionally, and by Desertion.

Sometimes in these God imployes his Angels, sometime the Magistrate, sometimes ourselves. Yet all which God doth in this life by any of these, is but Physicke: for (a) even excaecation and induration is sent to further Salvation in some, and inflicted medicinally. And these ministers and instruments of his, are our Physitians, and wee may not refuse any bitternesse, no not that which is naturally poyson, being wholesomely corrected by them. For as in (b) Cramps which are contortions of the Sinewes, or in Tetars, which are rigors and stiffenesses in the Muscles, wee may procure to ourselfe a fever to have them, or we may procure them in a burning feaver, to condense and attemper our bloud againe, so in all rebellions and disobediences of our flesh, wee may minister to our selves such corrections and remedies, as the Magistrate might, if the fact were evident. But, because though for prevention of evill, wee may doe all the offices of a Magistrate upon our selves, in such secret cases, but whether we have that authority to doe it after one, especially in Capitall matters, is disputable, and at this time, wee need not affirme it precisely, I will examine the largenesse of that power no further now.

4. Induration it self is sometime medicinall.

a *Aqui. 2. 2. q. 79. ar. 4. con.*

b *Hippocrat. Aphor. 31. 5.* Wee may correct in our selves one disease by another.

But descend to that kinde of evill, which must of necessity be understood in this place of *Paul*: which is, that we account naturally evill. And even in that, the Bishops of *Rome* have exercised their power, (c) to dispence with *Bigamy*, which is in their doctrine directly against Gods Commandement, and therefore naturally evill. So did (d) *Nicholas* the fift, dispense with a Bishop in *Germany*, to consult with Witches, for recovery of his health; and it were easie to amasse many cases of like boldnesse.

In like manner (e) the Imperiall Law tollerates Vsurie, Prescription, *Mala fidei*, and Deceit *ad Medium*, and expressely allowes (f) Witchcraft, to good purposes. [*Conformably to which Law*, Paracelsus *sayes*, *It is all one whether God or the Devill cure, so the Patient be well.*]

And so the (g) Canons have prescribed certain rules of doing evill, when we are overtaken with perplexities, to chuse the least, of which (h) S. *Gregory* gives a naturall example, [*That a man attempted upon a high wall, and forced to leape it, would take the lowest place of the wall.*] And agreeably to all these, the (k) *Casuist* say, [*That in extreame necessitie, I sinne not if I induce a man to lend me mony upon usury; And the reason is, because I incline him to a lesse sinne, which is usury, when else he should be a homicide, by not releiving me.*] And in this fashion (l) God himselfe is said to work evill in us, because when our heart is full of evill purposes, he governs and disposes

6. In things evill in such sence as *Paul* taketh them here, Popes dayly doe dispence.

c *Dist.* 34. *lector gloss.*

d *Bodinus Dæmon. l.* c5.

e *Windek de consens. et dissens. legat Can. ca.* 11.

7. So doe the Civill Laws.

f *Cod. tit. de malef. l.* 4. §. *eorum.*

g *Paracel. l. de morb. cad.*

h *Dist.* 14. *cap. Duo mala.*

i *Dist. ead. cap. Nerui.*

k *Nav. Man. c.* 17. *num.* 263.

8 So do Canons.

l *Bellar. de Amiss. grat. & stat. peccat. l.* 2. *c.* 3. *ex Hug. de vict. & Tho.*

9 So doth God occasion lesse sin to avoid greater.

disposes us rather to this then to that evill, wherin though all the vitiousnesse be ours, and evill, yet the order is from God, and good. Yea, he doth positively encline one to some certain evill thus, That he doth infuse into a man some good thoughts, by which, he, out of his vitiousnesse takes occasion to thinke he were better doe some other sinne then that which he intended. Since therefore all these lawes and practises concurre in this, that we sometime doe such evill, not onely for expresse and positive good, but to avoid greater evill, all which seems to be against this doctrine of S. *Paul.*

9. What any other may dispence withall in us, in extreamity we may dispence within our selves. *Supra.*

And since, whatsoever any humane power may dispence withall in us, we, in extream necessity, in impossibility of recourse to better counsell, in an erring conscience, and in many such cases, may dispence with our selves, (for that Canon of *duo mala*, leaves it to our naturall reason, to judge, and value, and compare, and distinguish betweene those two evills which shall concurre,)

10. Yet one such dispensation changeth the nature of things, therefore that particular was never naturally evill.

And since for all this, it is certaine, that no such dispensation from another, or from my selfe, doth so alter the nature of the thing, that it becomes thereby the more or the lesse evill, to mee there appeares no other interpretation safe, but this, That there is no externall act naturally evill, and that circumstances condition them, and give them their nature, as scandall makes an indifferent thing hainous

nous at that time, which, if some person go out of the roome, or winke, is not so.

11. The Law it self is neither good nor evill.

The Law it selfe, which is given us as a light, that we might not stumble, and by which we see, not what is evill naturally (for that we see naturally, and that was so even to us, before the law declared it) but what would bee evill (that is produce evill effects,) if we did it at that time, and so circumstanced, is not absolutely good, but in such measure, and in such respects, as that which it forbids is evill. And therefore (m) *Picus* comparing the Law, to the firmament, (as *Moses* accepts the word) as he observes, that the second day, when God made the firmament, he did not say, that it was good, as he did of every other days work, and yet it was not evill, (for then saith *Picus*, it could not have received the name, as if it had beene good, it had not needed it.) So he reprehends the *Manichees*, for saying that the Law was evill, yet he sticks to that of (n) *Ezechiel*, That it was not good. That evill therefore which by this place of S. *Paul* is forbidden, is either Acts of infidelity, which no dispensation can deliver from the reach of the Law, or els, such acts as being by our nature, and reason, and approbation of nations, reputed evill, or declared by law or custome to be such, because of there ordinary evill effects, doe cast a guiltines upon the doer, ordinarily, and for the most part, and ever except his case be exempt and priviledged. This

12. As *Picus* notes comparing it to the firmament.

m *Heptapl. l. 7. procem.*

n *Ezech.* 20. 25.

13. What evills Paul forbidds, and what

moved

moved *Chrysostome*, (whom I cited before) to think ally, and a consent to adulttery, not evill in *Sarah*: and this rectified S. *Augustines* squeamishnes so farre, as to leave us at liberty, to think what we would of that wifes act, which to pay her husbands debt, let out her self one night. For if any of these things had been once evill naturally, they could never recover of that sicknesse, but (as I insinuated before) as those things which we call miracles, were written in the history of Gods purpose, as exactly, and were as certainly to come to passe, as the rising and setting of the sunne, and as naturally, *in tota compagine naturæ*, (for there is no interlining in that book of God:) So in that his eternall Register where he foresees all our acts, he hath preserued and defended, from that ordinary corruption of evill purpose, of inexcusable ignorance, of scandall, and of such other inquinations of indifferent things, (as he is said to have done our B. Lady from originall sinne in her inanimation,) Some of those acts of ours, which to those who doe not studiously distinguish circumstances, or see not the doers conscience, and testimony of Gods spirit, may at the first tast have some of the brackishnes of sin. Such was (o) *Moses* killing of the *Egyptians*, for which there appears no especiall calling from God. But because this falls not often: *S. Paul* would not embolden us, to do any of those things which are customarily reputed evill.

Supra.

14. Nothing which is once evill can ever recover of that

Supra.

15. Three acts were in God's decree preserued from those staines which make things evill, so as miracles were written in his book of nature, though not in our copy; and so, as our Lady is said to be preseru'd from originall sinne,

o *Exod.* 1. 12. 16. Such was *Moses* killing the Egyptian.

But

But if others be delighted with the more ordinary interpretation of this place, that it ſpeaks of all that which we call ſinne, I will not refute that interpretation, ſo they make not the Apoſtles rule, (though in this place this be not given properly and exactly for a rule;) more ſtrickt than the morall præcepts of the *Decalogue* it ſelf, in which, as in all rules there are naturally included and incorporated ſome exceptions, which if they allow in this, they are ſtill at the beginning; for this caſe may fall within thoſe exceptions.

17. If this place be taken of all kind of evill, it muſt admit exception, as well as the Decalogue.

Otherwiſe, that the generall application of this rule, is not proper, as by infinite other places, ſo it appears evidently by that in (p) *Bellarmine*, where he ſays, that by reaſon of this rule, a man may not with neglecting a poore neighbour, adorne a church; Yet there are a great many caſes, wherein we may neglect this poore neighbour; and therefore that is not naturally evill. And certainly whoſoever is delighted with ſuch arguments, and ſuch an application of this text, would not only have objected this rule to *Lot*, when he offered his Daughters, (for there it might have colour) but would have joyned with *Iudas*, when the woman anointed Chriſt, and have told her, that although the office which ſhee did were good, yet the waſt which ſhee made firſt, was evill, and againſt this rule.

18. Otherwiſe the application which *Bellarm.* and others make of it will be intollerable.

p *De mil. ſanct. l. 4. cap. 7.*

SECT. IIII.

The same Apostle doth in divers other places use this phrase, *That we are the Temples of the Holy Ghost*; And from thence is argued, that it is an unlawfull Sacriledge to demolish or to deface those Temples. But wee are so the Temples of God, as we are his Images; that is, by his residing in our hearts.

Of the places 2 *Cor.* 6. 16. 1 *Cor.* 3. 16. *Ep.* 6. 16.

And who may doubt, but that the blessed Soules of the departed, are still his Temples, and Images? Even amongst heathens, those Temples which were consecrated to their gods, might in cases of publique good or harme, be demolished, and yet the ground remaine sacred.

19. The dead are still his Temples, and Images. *Silvius Comm. ad legem.*

And in the two first places, is onely a Dehortation from polluting our hearts, which are Gods Temples, with Idolatry, or other sinne. In the other place he calles our materiall body, the temple; and he makes it to us an argument that we should flye from fornication, because therein wee trespas against our owne body. And so here arises a double argument, that we may not doe injurie to our owne body, neither as it is ours, nor as it is Gods.

20 Heathens temples might be demolished, yet the soile remain sacred.

In the first of those then, he sayes, [*A Fornicator sinnes against his body*;] for as hee sayd twice before, [*Hee makes himselfe one body with*

21 *Pauls* reason is in Cases where we avile our selves; here wee advance our selves.

nity

nity of his owne person. But is it so, in our Case? When he withdrawes and purges it from all corruptions, and delivers it from all the inquinations, and venime, and maligne Machinations of his, and Gods adversaries, and prepares it by Gods insinuation and concurrence, to that glory, which without death, cannot bee attained.

Is it a lesse dignitie, that himselfe bee the Priest of God, and that himselfe be the Sacrifice of God, then that he be the Temple? But sayes *Paul*, [(a) *Your body is the Temple of God, and you are not your owne.*] But saies *Calvine* here, you are not so your owne, that you may live at your owne will, or abuse your body with pollutions and uncleanesse. Our body is so much our owne, as we may use it to Gods glory; and it is so little our owne, as when hee is pleased to have it, we doe well in resigning it to him, by what Officer soever he accept it, whether by Angell, Sickenesse, Persecution, Magistrate, or our selves. Onely bee carefull of this last lesson, in which hee summes and gathers all his former Doctrine, [(b) *Glorifie God in your body, and in your spirit, for they are his.*]

a *Vers.* 19. 22 That our body is not our own, how it is to be understood here in *Paul.*

b *Vers.* 20.

SECT. VI.

The place of the *Ephesians* hath some affinity with this; which is, [*But let us follow the truth*

1 Of the like *Ephes.* 4. 15. 16

in love, and in all things grow up into him, which is the head, that is Christ, till we are all met together, unto a perfect man.] By which wee receive the honour to be one body with Christ our head, which is (a) after more expressely declared, [*We are Members of his body, of his flesh, and of his bone.*] And therefore, they say, that to withdraw our selves, which are limmes of him, is not onely homicide of our selves, who cannot live without him, but a Paricide towards him, who is our common Father.

a *Cap. 5. v. 30.*

But as in Fencing, Passion layes a man as open, as unskilfulnesse, and a troubled desire to hitt, makes one not onely misse, but receive a wound; so out of an inordinate fervour, to strike home, hee which alledgeth this place, overreacheth to his owne danger; for onely this is taught herein, that all our growth and vegetation flowes from our head, Christ. And that he hath chosen to himself for the perfection of his body, limmes proportionall thereunto, and that, as a soule through all the body, so this care must live, and dwell in every part, that it be ever ready to doe his proper function, and also to succour those other parts, for whose relieфe or sustentation it is framed, and planted in the body. So that herein there is no litterall consumption to be admitted, as though the body of Christ could be imperfited, by the removing of any man. For, as from a tree, some leaves passe their naturall course and season, and

fall againe being withered by age, and some fruits are gathered unripe, and some ripe, and some branches which in a storme fall off, are carryed to the fire, So in this body of Christ, the Church, (I meane that which is visible) all these are also fulfilled and performed, and yet the body suffers no maims, much lesse the head any detriment.

2 This place gives arguments to all which spare not themselves for relieſe of others.

This place therefore is so farre from giving encouragement to any particular man to be carefull of his owne well being, as the Expositors (of what perswasion soever in controverted points) accept from hence an argument, that for the establishing, and sustentation of the whole body, a man is bound to depart with all respects to himselfe, and give his life to strengthen them which are weake.

And this place, as a common Conduit head hath affoorded justification for Martyrdomes, for pestilent visitations, and for all those Desertions of our selves, and of our naturall right of preserving our selves, which wee had occasion to insist upon before.

SECT. VI.

1. Of the place Eph. 5.

As therefore that construction doth well consist with those words, so doth it also with the words in the next Chapter, [*No man ever hated his owne flesh, but nourished it, &c.*] Of which Hate, because we are to speake when wee come

to

to Christs Commandement of Hating our life, we will here onely say, with (a) *Marlorate* upon this place, [*He hates not his flesh, who hates the desires thereof, and would subject it to the Spirit: no more then a Goldsmith hates that gold, which hee casts into a furnace to purifie, and reduce to a better fashion.*] And, because out of the Armory of Scripture I have not found that they take any better weapons, nor any more, we may here end this Distinction.

a *Marlor. in hunc locum.*

2. How *Marlor.* expounds this hate.

Distinction IV.

SECT. I.

IN the next our busines is, to try of what force and proofe their armes are against their adversaries forces. Of which we shall oppose two sorts; The first naturall and assured Subjects, which are, Reasons arising naturally from places of Scripture, and these, in this distinction; The other, Examples, as Auxiliaries. For though we rely not upon them, yet we have this advantage in that kind, that our aduersaries can make no use, nor profit of Examples. And therefore that answer which both *Peter Martyr*, and *Lavater* from him make, that we must not live by examples, and that if examples proved any

1. Of places of scriptures on the other part.

2. We may, but our adversaries may not make use of examples. to which the answer of *Martyr* and *Lavater* is weake.

any thing they had the stronger side, (that is, there have beene more men which have not killed themselves, then which have,) may well seeme from peremptorinesse, and lazinesse, and impossibillity of better defence, to have too much allay, to be current. To prepare us therefore to a right understanding, and application of these places of scripture, we must arrest awhile vpon the nature, and degrees, and effects of charity; the mother, and forme of all vertue; which shall not onely lead us to heaven, (for faith opens us the doore) but shall continue with us when we are there, when both Faith, and Hope, are spent and uselesse.

3. The Nature, degrees, and effects of Charity.

We shall no where find a better pourtrait of charity, then that which S. *Augustine* hath drawne: she loves not that which should not be loved; she neglects not that which should be loved; she bestows not more love upon that, which deserves lesse; nor doth she equally love more and lesse worthines; nor upon equall worthines, bestow more and lesse love. (a) To this charity the same blessed and happy Father, proportions this growth. [*Inchoated, increased, growne great, and perfected, and this last is, saith he, when in respect of it, we contemne this life.*] And yet he acknowledgeth a higher charity then this. For (b) *P. Lombard* allowing charity this growth, [*beginning, proficient, perfect, more, and most perfect.*] he cites (c) S. *Augustine* who calls [*that perfect charity to be readie*

4. S. *August.* pourtraite of her.

a *De natura et gratia cap. ult.*

5. Of her highest perfection, beyond that which *P. Lombard* observed out of *Aug.*

b *Lomb. l. 3. Dist. 3.*

c *In epist. Io. tract. 5.*

die to dy for another.] But when he comes to that, then which none can be greater, he says then, the Apostle came to (d) *cupio dissolvi.*

For as [(e) *one may love God, with all his heart, and yet he may grow in that, and love God more with all his heart, for* (f) *the first was commanded in the Law, and yet* (g) *counsail of perfection was given to him, who said that he had fullfilled the first commandement,*] So as S. *Augustine* found a degree above that charity, which made a man *paratum ponere* which is *cupere*, so there is a degree above that, which is to doe it.

This is that vertue, by which (h) Martyrdome, which is not such of it self, becomes an act of highest perfection.

And this is that vertue, which (i) assureth any suffering which proceeds from it to be infallibly accompanied with the grace of God. Vpon assuredness therefore, and testimony of a rectified conscience, that we have a charitable purpose, let us consider how farre we may adventure upon authority of Scripture in this matter which we have in hand.

SECT. II.

First therefore by the frame and working of Saint *Pauls* argument to the *Corinthians*, [*Though I give my body that I be burned, and have not love, it profeeth nothing.*] These two things appeare evidently.

First,

d *Phil.* 1.23

e *Serarius tribereſi. l.* 1. *ca.* 8.

f *Deut.* 6. 5.

g *Mat.* 5. 6. He who loves God with all his heart, may love him more

h *Aqui.* 22. *q.* 124. *ar.* 3.

i *Aqui.* 22. *q.* 136. *ar.* 3. 7. Any suffering in charity hath infalibly the grace of God. By *Aquin.*

1. Of the place 1 *Cor.* 13. 4.

First, That in a generall notion and common reputation, it was esteemed a high degree of perfection to dye so, and therefore not against the Law of Nature. And secondly, by this exception, *(without Charity)* it appeares, that with Charity it might well and profitably be done.

2. By this in common reputation, that was a degree of perfection to dye so. And charity made it acceptable.

For the first, if any thinke that the Apostle here takes example of an impossible thing, as when it is sayd, [*If an Angel from heaven teach other doctrine,*] he will, I thinke, correct himselfe, if he consider the former verses, and the Apostles progresse in his argument, wherein to dignifie Charity, the most that hee can, hee undervalues all other gifts, which were then ambitiously affected.

3. *Paul* speaks of a thing which might lawfully be done, for such are all his gradations in this argument.

For Eloquence he sayes, it is nothing to have all Languages, no not of Angels, which is not put literally, for they have none, but to expresse a high degree of Eloquence, as *Calvine* sayes here. Or, as *Lyra* sayes, by language of Angels is meant, the desire of communicating our conceptions to one another. And then he adds, That knowledge of Mysteries and Prophecies, is also nothing, which was also much affected. And for Miraculous Faith, it is also nothing.

1. Tongues of Angels in what sence in this place.

Calvin.

For the first of these guifts, doth not make a man better, for *Balaams* Asse could speake, and was still an Asse. And the second *Judas* had, and the *Pharisees*. And the third is so small a matter, that as much as a *graine of Mustersead* is enough

5. Speech in the Asse, understanding of mysteries in *Judas*, miraculous faith make not the possessor the better.

enough to remove mountaines. All these therefore were faisable things, and were sometimes done. So also, after he had passed through the gifts of knowledge, and gifts of utterance, hee presents the gifts of working in the same manner; and therefore, as he sayes, *If I feed the poore with all my goods,* (which he presents as a harder thing then either of the other, (for in the other God gives me, but here I give other) yet possible to be done.) So he presents the last, *If I give my body,* as the hardest of all, and yet, as all the rest, sometimes to be done.

6 How I differ from the *Donatists* arguing from this place, that in charity *self-homicide* was alwaies lawfull.

That which I observed secondly to arise from this argument, was, That with Charity such a death might be acceptable. And though I know the *Donatists* are said to have made this use of these words, yet, because the intent and end conditions every action, and infuses the poyson, or the nourishment which they which follow suck from thence, and we know that the *Donatists* rigorously and tyrannously racked and detorted thus much from this place, That they might present themselves to others promiscuously to bee killed, and if that were denied to them, they might kill themselves, and them who refused it.

7 To give my Body, is more then to let it be taken.

Yet, I say, I doubt not but thus much may naturally be collected from hence, that by this word, *If I give my body,* is insinuated somewhat more then a prompt and willing yeelding of it, when I am enforced to it, by the

persecuting Magistrate.

Metaph. in Niceph. Martyr.

8 How *Nicephorus* the martyre, gave his body in *Sapritius* his roome, who recanted.

And that these words will justifie the fact of the Martyr *Nicephorus*, being then in perfect Charity. Whose case was, That having had some enmitie with *Sapritius*, who was brought to the place where he was to receive the bloudy crowne of Martyredome, he fell downe to *Sapritius*, and begged from him then, a pardon of all former bitternesses. But *Sapritius* elated with the glory of Martyredome, refused him, but was presently punished; for his faith coold, and he recanted, and lived. And *Nicephorus* standing by, stepped into his roome, and cryed, I am also a Christian, and so provoked the Magistrate to execute him; least from the faintnesse of *Sapritius*, the cause might have received a wound, or a scorne. And this I take to bee *Giving of his body.*

9 There may be a case that a man bound to give his body, cannot doe it otherwise then by *self-homicide.*

Of which, as there may be such necessitie for confirming of weaker Christians, that a man may be bound to doe it, as in this case, is very probable. So there may bee cases in men very exemplary, and in the cunning and subtile carriage of the Persecutor, as one can no other way give his body for testimony of Gods truth, to which he may then be bound, but by doing it himselfe.

SECT.

SECT. III.

As therefore Naturally and Customarily men thought it good to dye so, and that such a death with charity was acceptable, so is it generally said by Christ, [*That the good Shepherd doth give his life for his sheepe.*] Which is a justifying and approbation of our inclination thereunto. For to say, The good doe it, is to say, They which doe it are good.

1 Of the places *Joh.* 10. 11. & *Joh.* 15. 13.

And as we are all sheep of one fold, so in many cases, we are all shepherds of one another, and owe one another this dutie, of giving our temporall lives, for anothers spirituall advantage; yea, for his temporall. For (a) that I may abstaine from purging my selfe, when anothers crime is imputed to me, is grounded upon such another (b) Text as this, where it is said, *The greatest love, is to bestow his life for his friend.* In which, and all of this kind, we must remember, that we are commanded to doe it so, as Christ did it, and how Christ gave his body, we shall have another place to consider.

2 I need not purge my self, when anothers crime is imputed to me.

a *Sot. de teg. Secret. Memb.* 1. q. 3.

b *Joh.* 15. 13.

SECT. IV.

Hereupon because Saint *Peters* zeale so forward, and carried him so high, that hee would dye for the Shepherd, for so he saies, [*I will lay downe my life for thy sake.*] And this, as all

1 Of the place *Joh.* 13. 37.

Expositors say, was meerely and purely out of naturall affection, without examination of his owne strength to performe it; but presently and roundly Nature carryed him to that promise. And upon a more deliberate and orderly resolution, Saint *Paul* witnesseth of himselfe such a willingnesse to dye for his brethren, [*I will be gladly bestowed for your soules.*]

2. *Peters* readinesse was naturall. *Pauls* deliberate.

2 *Cor.* 12.15.

SECT. V.

A Christian nature rests not in knowing thus much, That we may doe it, That Charitie makes it good, That the good doe it, and that wee must alwaies promise, that it, encline to doe it, and doe something towards it, but will have the perfect fulnesse of doing it in the resolution and doctrine, and example of our blessed Saviour, who saies, *de facto*, [*I lay down my life for my sheepe.*] And saith *Nyssenus*, hee useth the present word, because hee was ready to doe it: and as (a) *Paul* and *Barnabas*, men yet alive, are said to have laid downe their lives for Christ.] But I rather thinke, (because expoſing to danger, is not properly call'd a dying,) that Christ said this now, because his Passion was begun; for all his conversations here were degrees of exinanition.

1 Of the place *Joh.* 10.15.

2 Why Christ saies this in the present time.

a *Act.* 15.26.

To expresse the abundant and overflowing charitie of our Saviour, all words are defective, for if we could expresse all which he did, that

3 Of the abundant charity of Christ.

came

came not neere to that which he would doe, if need were. It is observed by (b) one, I (confesse, too credulous an Authour, but yet one that administers good and wholesome incitements to Devotion,) That Christ going to *Emaus* spake of his Passion so sleightly, as though he had in three dayes forgot all that he had suffered for us.

And that Christ in an apparition to Saint *Charles*, sayes, that he would be content to dy againe, if need were.

Yea, to (c) Saint *Brigit* he said, [*That for any one soule he would suffer as much in every limme, as he had suffered for all the world in his whole body.*]

And (d) this is noted for an extreame high degree of Charity, out of *Anselme*, that his B. Mother said, [*Rather then he should not have been Crucified, shee would have done it with her owne hands.*]

And certainly his charity was not inferiour to hers, he did as much as any could be willing to doe. And therefore, as himself said, [*No man can take away my soule*] And [*I have power to lay it down*;] So without doubt, no man did take it away, nor was there any other then his own will, the cause of his dying at that time; many Martyrs having hanged upon Crosses many dayes alive: And the theeves were yet alive, And therefore (e) *Pilate* wondred to heare that Christ was dead. [*His soule*, saith (f) S. *Aug.* did

b *De Suidone. pa. 1. Notæ in Ca.* 11.

4 Of his speech going to *Emaus.*

5 Of his Apparition to Saint *Charles.*

c *Revel. Brig. l. 1. ca.* 29.

6 Of the Revelation to St. *Brigit.*

d *Suidon. p. 1. Notæ in Ca.* 16.

7 Of his Mothers Charitiy.

8 That none could take away his soule.

9 His Owne will the onely cause of his dying so soone, by St. *Aug.*

10 And by *Aquin.* because he had all his strength.

e *Mar.* 15.

f *De Trinit. l. 1. cap.* 13.

did not leave his body constrained, but because he would, and when he would, and how he would.] Of which (g) S. *Thomas* produces this symptome, That he had yet his bodies nature in her full strength, because at the last moment he was able to cry with a loud voice. And (h) *Marlorate* gathers it upon this, that whereas our heads decline after our death by the slackness of the sinews and muscles, Christ did first of himself bow downe his head, and then give up the ghost. So, though it be truly said (i) [*After they have scourged him, they will put him to death,*] yet it is said so, because malitiously and purposely to kill him they inflicted those paines upon him; which would in time have killed him, but yet nothing which they had done occasioned his death so soone.

And therefore (k) S. *Thomas*, a man neither of unholy thoughts, nor of bold or irreligious or scandalous phrase or elocution, (yet I adventure not to tarre in his behalfe as (l) *Sylvester* doth, [*that it is impossible that hee should have spoken any thing against faith or good manners,*] forbeares not to say, [*That Christ was so much the cause of his death, as he is of his wetting, which might and would not shut the windowe, when the raine beats in.*]

This actuall emission of his soule, which is death, and which was his own act, and before his naturall time, (m) (which his best beloved Apostle could imitate, who also died when he would, and went into his grave, and there gave up

g 3. q. 47. ar. 2. ad 2.

h *Mat.* 27. 50. 13. And by *Marl.* because he bowed his head, and it fell not, as ours in death.

i *Luc.* 18. 33. 12 How it is true that the Jewes put him to death.

13. Of *Aquin.* and *Sylvesters* opinion of him.

k 2. q. 47 ar. 2. *Con.*

l *Verbo matrimonium.*

14. Christ was so the cause of his death, as he is of his wetting, which might, and doth not shut the window in raine, by *Aquin.*

15. Who imitated Christ in this actuall emission of the soule.

m *Aquin. super Iob. cap.* 32.

up the Ghest, and buried himselfe, which is reported but of very (n) few others, and by no very credible Authors,) we find thus celebrated, (o) That that is a brave death, which is accepted unconstrained; and that it is an Heroique Act of Fortitude, if a man when an urgent occasion is presented, expose himselfe to a certaine and assured death, as he did.

And it is there said, that Christ did so, as *Saul* did, who thought it foule, and dishonourable to dye by the hand of an Enemy. And that *Apollonia*, and others who prevented the fury of Executioners, and cast themselves into the fire, did therein immitate this act of our Saviour, of giving up his soule, before hee was constrained to do it. So that if the act of our blessed Saviour, in whom there was no more required for death, but that he should will that his soule should goe out, were the same as *Sauls*, and these Martyrs actuall furtherance, which could not dye without that, then wee are taught that all those places, of *Giving up our bodies to death*, and of *Laying downe the soule*, signifie more then a yeelding to death when it comes.

l *Sophro. prat. spir. cap. 90. de pater. Anco. Et Sirius To. 1. feb. de Sever. Raven.*

m *Sind. Not. in c. 22. ad 6.*

16. Upon what reasons this fashion of dying in Christ is calld Heroique, and by like epithites.

17. Christ is said to have done herein as *Saul* and *Apol.* and such.

SECT. VI.

And to my understanding there is a further degree of alacrity, and propensenesse to such a death, expressed in that phrase of *John*, [*He that hateth his life in this world, shall keepe it unto life*

1 Of the places *John* 12. 25. and *Luc.* 14. 26.

life eternall. And in that of Luke, [Except he hate his owne life, he cannot be my Disciple.] Such a lothnesse to live is that which is spoken of in the Hebrews, (a [Some were rack'd, and would not bee delivered, that they might receive a better Resurrection.]

a Heb. 11. 35.

This place (b) Calvine interprets of a readinesse to dye, and expresses it elegantly, To cast our life in our hands, offering it to God for a Sacrifice. And this (c) the Jesuits in their rule extend thus farre, [Let every one thinke that this was said directly to him, Hate thy life.]

b In Ioh. 12. 25.

2. Iesuites apply particularly this hate.

c Reg. Iesuit. Constit. spirit. 8.

And they who in the other place, accept this phrase, No man hateth his owne flesh, to yeeld an argument against Selfe-homicide in any case, must also allow that the same hate being commanded here, authorises that act in some case.

3. If the other place, no man hates his owne flesh, be against homicide; This must be for it.

And Saint Augustine apprehending the strength of this place, denies that by the authoritie of it, the Donatists can justifie their Selfe-homicide when they list to dye, but yet in those cases which are exempt from his rules, this place may encourage a man [1] to neglect the honour of God, onely upon this reason, that no body else will take his life.

4. S. Augustine denies that this place justifies the Donatists. but not in all cases.

SECT. VII.

1. Of the place. 1. Iohn 3. 16.

And therefore the holy ghost proceeds more directly in the first Epistle of Saint John, and shews us a necessary duty, [Because he laid down his

his life for us, therefore we ought to lay downe our lives for our brethren.] All these places work us to a true understanding of charity, and to a contempt of this life, in respect of it.

And as these informe us how ready we must be, So all those places which direct us by the example of Christ, to doe it as he did, shew, that in cases when our lives must be given, we neede not ever attend extrinsique force of others, but as he did in perfect charity, so we in such degrees of it, as this life, and our nature are capable of, must dy by our owne will, rather then his glory be neglected, whensoever, (a) as *Paul* saith, Christ may be magnified in our bodies, or the spirituall good of such another as wee are bound to advance, doth importune it.

2. All these places direct us to do it, as Christ did it, unconstraind.

a *Phil.* 1. 20.

SECT. VIII.

To which readines of dying for his bretheren, Saint *Paul* had so accustomed himself, and made it his nature, that but for his generall resolution of doing that ever which should promove their happines, he could scarce have obtain'd of himself leave to live. For, at first he says, he knew not which to wish, life or death, (and therefore generally without some circumstance incline or avert us, they are equall to our nature.) Then after much perplexity, he was resolved, and desired to be loose, and to be with Christ, (therefore a holy man may wish it.) But lyes he corrected

1. Of the place *Phil* 1. 23.

2. Of S. *Pauls* gradations to this wish, and his correcting of it.

that againe, because saith he, [*To abide in the flesh, is more needfull for you.*] And therefore charity must be the rule of our wishes, and actions in this point.

SECT. IX.

1 Of the place *Gal.* 4. 15.

There is another place to the *Galatians*, which though it reach not to death, yet it proves that holy men may be ready to expresse their loves to another, by violence to themselves. For he saith, [*If it had bene possible, you would have plucked out your own eies, and given me:*] And *Calvin* saith, [this was more then *vitam profundere.*] And this readines Saint *Paul* reprehends not in them.

2. This was more then *vitam profundere* by *Calvin.*

SECT. X.

1 Of the place *Rom.* 9. 3.

But of the highest degrees of compassionate charity for others, is that of the Apostle, in contemplation of the *Jewes* dereliction. [*I would wish my selfe to be separated from Christ, for my brethren.*

The bitternesse of which Anathema, himself teaches us to understand, when in (a) another place, he wishes the same. [*To those which love not Jesus Christ.* And this fearefull wish which charitie excused in him, was utter damnation, as all Expositors say.

2 1 *Cor.* 16. 22.

2. That this *Anathema* was damnation.

And though I beleeve with *Calvin*, that at this

this time, in a zealous fury he remembred not deliberately his own election, and therefore cannot in that respect, be said to have resisted the will of God, yet it remaines, as an argument to us, That Gharitie will recompence, and justifie many excesses, which seeme unnaturall, and irregular, and enormious transportations.

3. That he considered not his election at that time.

SECT. 11.

As in this Apostle of the *Gentiles*, so in the Law-giver of the *Iewes*, the like compassion wrought the like effect; and more. For *Moses* rested not in wishing, but face to face argued with God, [*If thou pardon them, thy mercie shall appeare, but if thou wilt not, I pray thee blot my name out of the booke which thou hast written*]

1 Of the place Exod. 32. 3.

I know, that many out of a reasonable Collection, that it became *Moses* to bee reposed, and disposioned, and of ordinate affections in his conversation with God, are of opinion, that he strayed no further in this wish, and imprecation, then to be content that his name should bee blotted out of the Scriptures, and so to lose the honour of being known to posterity for a remarkable instrument of Gods power and mercie.

2. That this imprecation was not only to be blotted out of the history of the scriptures.

But, since a naturall infirmity could worke so much upon Christ, in whom there may be suspected an inordinatenesse of affections, as to divert him a little, and make him slip a faint wish of escaping the Cup; why might not a brave

3. It was stranger that Christ should admit such a slip downward as to wish an escape from death, then that *Moses* should have such an exaltation upward as to save his nation by perishing. Yet both without inordinatenes.

and noble zeale, exalt *Moses* ſo much, as to deſire to reſtore ſuch a Nation to the love of God, by his owne deſtruction.

For, as certainely the firſt of theſe was without ſinne, ſo the other might be, out of an habituall aſſurednesse of his ſalvation, as (a) *Paulinus* ſayes, to *Amandus*, [*Thou maiſt bee bold in thy prayers to God for mee, to ſay, forgive him, or blot out me, for thou canſt not bee blotted out, Juſtitia.*] And thus retaining ever in our minds, that our example is Chriſt, and that he dyed not conſtrained, it ſhall ſuffice to have learned by theſe places, that in Charitie men may dye ſo, and have done, and ought to doe. The laſt thing which remaines yet, is to conſider the Examples reported in the Scriptures: which cannot poſſeſſe us long, becauſe a few Rules will include many examples, and thoſe few rules which are applyable to theſe Hiſtories, have been often iterated already, and, for other Rules, which may enlighten and governe us in all occurrences, for many Reaſons I reſpite to a maturer deliberation and diſcourſe.

Diſtinct.

a *Pont. Paul. ad Amand. Epiſt. 2.*

4. How by *Paulinus* a juſt man may ſafely ſay to God, *Dele me,*

Distinct. V.

SECT. I.

1. Of examples in Scriptures.

AS when I entred into the examination of places of Scriptures, it seemed to me to have some weight, that in all the Judiciall and Ceremoniall Law, there was no abomination of *Self-homicide*.

2. The phrase of Scriptures, never imputes this act to any as a sin, when it relates the history.

So doth it, That in relating the Histories of them who killed themselves, the phrase of Scripture never diminishes them by any aspersion or or imputation for that fact, if they were otherwise vertuous, nor aggravates thereby their former wickednesse, if they were wicked.

For my part, I am content to submit my self to that Rule, which is delivered from (a) *Irenæus*, [*That those things which the Scripture doth not reprehend, but simply lay downe, it becomes not us to accuse; nor to make our selves more diligent then God, but if any thing seeme to us irregular, our endeavour must be, to serch out the Type, and signification thereof.*]

Neither shall I, for all this, be in danger of (b) *Bezas* answer to that Argument of *Ochius*, That though some of the Patriarches lived unreprehended in Polygamie, it concluded nothing, because (saith *Beza*) The silence of Scripture in

a *Schultet. Medul. patr. pag.* 2. *in l.* 4. *Irenæi.*

3. *Irenæus* forbids us to accuse where God doth not.

4. *Bezas* answer to *Ochius* reason, that some Patriarchs lived in polygamy reacheth not our case.

b *Beza de polyg. fo.* 7.

(c) *Jacobs* Incest, and in (d) *Lots*, and in (e) *Davids* unjust judgement; For *Siba* doth not deliver them from guiltinesse and transgression therein.

For our case differs from all others, both because this act is not from any place of the Law evicted to be sinne. And because here is a concurrence of Examples, of this fact without any reprehension: So that that answere is so farre short from reaching us, that it reached not home to that argument of *Ochius* against which it was opposed. And if in debating these Examples, it be found, that some very reverend Authors, have concluded impenitence, and consequently utter desertion on Gods part, and so eternall perishing; the circumstances as they appeared to him then, may have made his judgement just; but for any other thereupon to apply that case to others, will not be safe. For (f) [*Though a Judgemay* in causa versanti *interpret the Law, that Interpretation makes not Law.*]

c *Gen.* 29.
d *Gen.* 19.
e 2 *Sam.* 9. 2.

5 For it is not evident, that this is sinne, by any other place of the Law; which was in all his cases. And here many examples concurre.

f *Acacius de privileg. l.* 1. *c.* 3

SECT. II.

As therfore in the former Distinctions wee spoke of some approaches to the act of self-killing, so will wee in this pause a very little upon two such steps. (a) The first shalbe of the prophet in the book of *Kings*, [*who had a stranger strike him, and because he would not pronounce a heavy judgement upon him, which was presently*

1 Of Acts which were not fully self-murders, but approaches.
a 1 *Reg.* 20. 35

seemly excuseth. And then he importuned another to doe it, who did it throughly, for he wounded him with the stroake.] This was, to common understanding an unnaturall thing, that so holy a man should make such meanes to have his body violated, and so it seems the first apprehended it, however it pleased God to enlighten the second. This I produce not as though the prophet inclind to it of his owne disposition, for it is expressely in the text, that God commanded him to doe it.

2 Of the Prophet who punished him who would not strike him.

But because this is the only place in all the scriptures, where those which offer, or desirously admit violence to their owne bodies, are said to have done it, by the expresse motion of God, I collect from it, that it is not without some boldness, if others affirme without authority of the text, that the death of *Samson* and others, had the same foundation, when it appeares by this, that God when he would have it understood so, is pleased to deliver it plainly and expressly.

3 That when God invites men to such violence, hee sayes so plainly. And therefore such particular invitations may not be presumed, where they are not expressed.

SECT. III.

The next before we come to those who enviously killed themselves, is *Ionas*, who by often wishing his own death, and mitining the mariners to cast him out into the sea, made many steps towards the very act. I know that it is everie where said, that those words, (a) [*Take me,* and

1 Of *Ionas.*

a 1. 12.

and cast me into the Sea,] proceeded from a prophetique spirit, And (b) St. *Hierome* saith [*that in this prophetique spirit, he foresaw that the* Ninivites *would repent, and so his preaching would be discredited.*] But if this be so, must he not also in the same Prophetique Spirit see, that their repentance must be occasioned by his going thither and preaching there? And if this perswading to his destruction, being now innocent in their understanding; for they prayed, [*Lay not innocent blood upon us.*] were from Divine motion, shall wee dare to impute also to like motions and spirit, his angry importuning of death? [*Take I beseech thee, my life from me, for it is better for me, to dye then to live.*] And after he wished from his heart to dye, and said, [*I doe well to be angry unto the death.*]

(c) St. *Hierome* calles him *Sanctum Ionam*, and when *Lyra* observes that he had not done so, to any of the other Prophets, he concludes, that this testimony needed most in *Ionas*, who by his many reluctations against Gods will, might else fall into some suspition of eternall perishing. Which since we must be far from fearing in so eminent and exemplary a type of Christ, and yet have no ground to admit any such particular impulsion of Gods Spirit, as *Hierome* and *Lyra* pronounce him holy; for all these reluctations, so may wee esteeme him advised, and ordinate, and rectified, for all these approches, which in wishing and consenting, he made to his owne death.

b *Prom. in Com. in Iona,*

Vers. 14.

43.

9.

c *Lyra prolog. in Iona.*

2 Why Saint *Hier.* calls only *Ionas*, of all the Prophets, Holy.

SECT.

SECT. IV.

Of thoſe which in the Scriptures are regiſtred to have killed themſelves, *Samſon* is the firſt. A man ſo exemplar, that not onely the times before him had him in Prophecy, (a) (for of him it is ſaid,) [*Dan ſhall judge his people,*] and the times after him more conſummately in Chriſt, of whom he was a Figure, but even in his own time, other nations may ſeeme to have had ſome Type, or Copy of him, in *Hercules.*

His fact of ſelfe-killing is celebrated by the Church to everlaſting memory, as the act of a Martyr, and as very many others in their Homilies and expoſitions.

So that renowned (b) *Paulinus* ſayes, [*God ſend me the death of* Samſon, *and* Samſons *blindneſſe, that I may live to God, and looke to God.*]

And this generall applauſe and concurrence in the praiſe of the fact, hath made many think, or at leaſt write, that he purpoſed not to kill himſelfe: being loath either to depart from their opinion who extoll him, or to admit any thing which may countenance that manner of dying. Of which perſwaſion (c) two very learned men labour to ſeeme to be.

But, beſides that ſuch an expoſing of himſelfe to unevitable dangers, is the ſame fault as

1. Of *Samſon Iudg.* 16.

a *Pererius in Gen.* 49. 16.

2 The church celebrates him as a Martyr.

b. *Paul. Sever. Epiſt.* 4.
3 *Paulinus* wiſhes ſuch a death.

4 They which deny that he meant to kill himſelfe, are cofuted by the text.
c *Fran. de Vict. in relect. de Hom. Greg. Valent. tom.* 3. *diſp.* 5. *q.* 8. *p.* 1.

Selfe-homicide, when there is any fault in it, the very Text is against them; for *Samson* dyed with these words in his mouth, (d) [*Let mee lose my life with the Philistims.*]

d *Jud.* 16. 30.

And though sometimes these Authors adde, That hee intended not his owne death principally, but accidentally (as *Calvin* also sayes, that Saint *Paul* did not desire death for deaths sake, but to be with Christ,) this can remove no man from our side, for wee say the same, that this may be done onely, when the honour of God may bee promoved by that way, and no other.

5 They which say he did not intend his own death principally say the same as we. *Supra.*

Therefore to justifie this fact in *Samson*, (e) Saint *Augustine* equally zealous of *Samsons* honour, and his own conscience, builds still upon his old foundation, [*That this was by the speciall inspiration from God.*] Which, because it appeares not in the History, nor lyes in proofe, may with the same easinesse be refused, as it is presented.

6 That Saint *Aug.* his answer to this fact, that it was by speciall instinct, hath no ground in the history.

e *Aug. de civit. Dei cap.* 12.

To give strength to this opinion of *Augustine*, (f) our Countreyman *Soyr* presents one reason preceding the fact, and (g) *Pedraca* the *Spaniard*, another subsequent.

f *Soyr Thesau. Cas. Consc. l.* 7. *cap.* 9. *Nu.* 9.

g *Pedr. pr.* 5. *Hist.*

The first is that hee prepared himselfe to it by Prayer. But in this prayer, you may observe much humanity, and weakenesse and selfe-respect. [*O Lord*, saith he, *I beseech thee, strengthen me at this time onely, that I may be avenged of the Philistims for my two eyes.*

7 Of *Soyr* reasons in confirmation of *Augus.* that *Samson* pray'd.

The

The second reason is, that because hee effected that which he desired, it is to be presumed, that God restored him his strength to that end, which he asked it. But, besides that in the text it appeares, that (h) his haire before that time, was begunne to be growne out againe, and so his strength somewhat renewed, doth this prove any impulsion, and incitement, and prevention of the holy Ghost, to that particular act, or rather only an habituall accompanying and awaking him, to such actions by which God might be honoured and glorified, whensoever any occasion should be presented?

When therefore he felt his strength in part refreshed, and had by Prayer intreated the perfecting thereof, seeing they tooke continuall occasion from his dejection to scorne and reproach his God, burning with an equall fervour to revenge their double fault, and to remove the wretched occasion thereof, he had (i) as a very subtile Author sayes, the same reason to kill himselfe, which hee had to kill them, and the same authoritie, and the same priviledge, and safeguard from sinne.

And he dyed, as the same man sayes, with the same zeale as Christ, unconstrained, for (k) *In this manner of dying, as much as in any thing els, he was a Type of Christ.*

8. Of *Pedr.* his reason, that it was against the work of God, because it was done as it was desired.

h Vi. 22.

9 That he had as much reason, and authority to kill himselfe as to kill the *Philistims*, and that it was only the glory of God.

i *Fra. Georg. probl.* 438.

10. *Samson* in this manner of dying was a type of Christ.

k *Perer. in Gen.* 49. 16.

SECT. V.

1 Of *Saul* 1 *Sam. ult.*

The next example is *Saul*. And whether he did perfect and consummat the act of killing himself, or the *Amalekite* contribute his help, it makes no difference to our purpose; But that the latter was true, may wel enough consist with the relation of the history in the (a) first place, and it appeares to be the more likely and probable out of the (b) second: And by (c) *Iosephus* it is absolutely so delivered; And the (d) scholastique history saith also, that *Saul* was too weake to force the sword through his body.

2. Whether the Amalekite did help to kill *Saul*.

a 1. *Sam. ult.*
b 2. *Sam.* 1.
c *Antiq. l.* 7. *cap.* 15
d *Hist. Schol.*

Two things use to be disputed of *Saul*. Whether hee were saved or no; And whether if hee perished, it was for impenitence testified or presumed by this act of his. The *Iewes* are generally indulgent to him: And the Christians generally severe upon this reason, that it is said of him, (e) [*Saul dyed for his transgressions against the Lord, and his word, and asking counsaile of a witch.*] But this doth not necessarily conclude an impenitence, or a second death. For the *Iews* say, That beleeving the sentence of *Samuel* in the apparitions, and accepting that decree as from God, he repented his former life, and then presented and delivered up himselfe and his sonnes, conformably to the revealed will of God, there in the field to be sacri-

3. Whether *Saul* be saved or no.

e 1 *Chr.* 10. 13.

ficed

ficed to him: understanding *Samuells* words you shall be with me, to be spoken, not generally of the state of the dead, but of the state of the just, because both *Samuel* himself was so, and so was *Jonathan*, whose condition in this promise of being with *Samuel*, was the same as his Fathers. And therefore saith *Lyra*, [*all Iews and some Christians agree, that least by his reproach dishonour might redound upon God, a good and Zealous man may kill himself, as* Samson *did, and the Virgins.*] And he addeth, [*If other reasons were not sufficient to excuse* Saul, *this also might justly be applied to him, that he did it by divine instinct.*]

Lyra.

Out of which I observe these two things, that he presumes there are other reasons sufficient in some cases, whether they were in *Sauls* case or no. And then the reason upon which *Lyra* presumes he dyed well, [*because the contrary is not declared in Scriptures, nor determined by the Church.*] And *Saul* hath a good testimony of sanctity in this act, from (f) *Mallonius*, [*That as Christ died when he would, so did* Saul, *thinking it dishonourable to dye by the hand of his, and Gods enemies.*] That argument which *Burgensis* bringeth to the contrary, suffereth more force and violence in being brought in, then it giveth strength to his opinion. It is, [*That if the fact were justifiable in* Saul, *it had beene so too in the Amalekite, if his profession to* David *were true, That he had killed* Saul, *and consequently* David *unjust in that execution.*] But, besides that, that

4. In what cases the Iews. and *Lyra* confess that a man may kill himselfe.

5. *Lyra's* reasons why *Saul* is to be presumed to have dyed well.

f *Nota in Sindon. c.* 21. *Nu.* 6.

6. *Burgensis* reason to the contrary, that if *Saul* were excusable, the Amalekite was so to.

Amalekite had no conscience, nor inward knowledge of *Sauls* just reasons, nor other warrant but his commandement, which might, and was to him likely to proceed from *Sauls* infirmities, it might well appeare to *David*, by his comming to tell him the newes, that he had humane respects in doing it, and a purpose onely to deserve well of *David*. And when both Judge and prisoner are innocent, oft times the Executioner may be a Murtherer.

7. Of *Sauls* Armor-bearer

And such humane respects of wearinesse and despaire, and shame, and feare, and fidelity to his Master, and amazement, and such, stand in the way betweene *Sauls* Armour-bearer and all excuses, to our understandings. For though the phrase of Scripture impute nothing to him for that fact of killing himselfe, yet I have found none that offer any particular excuse in his defence.

SECT. VI.

1. Of *Achitophel*. 2 Sam. 15. vers. 12.

Neither doe I finde any thing to excuse *Achitophels* death; though (as I said of the other) the History doe not accuse that particular fact. The Text calles his counsaile good, and it seems he was not transported with passion, because he set his house in order; And he was buried in his Fathers grave, when *Absalon* slaine by another hand was cast into a pit.

2 He set his house in order, And he was buried.

But if it were upon a meere dispute of his owne

owne disgrace, or feare of ill successe, or upon any selfe respect, without proposing Gods glorie, and he repented not, he perished.

SECT. VII.

Of *Judas*, the most sinnefull instrument of the most mercifull Worke, the common, (though not generall) opinion is, that he killed himselfe; but whether by hanging, or no, is more controvered.

1 Of *Judas*. *Mat.*27.5. *Act.*1.18.

For from the words in the (a) *Acts*, [*That he threw himselfe downe headlong, and burst asunder, and his bowels gushed out.*] (b) *Euthymius* thinks, That he was rescued whilst he hanged, and carryed away, and that after that hee killed himselfe by throwing himselfe headlong.

2 *Act.*1.18.

q *Euthym. in Com. in Mat.*

And (c) *Brentius* leaves that indifferent to us, to thinke what we will thereof. But it seemes by (d) *Oecumenius*, that he did not only overlive this hanging, but that he grew to so enormous a bignesse, and burden to himselfe, that he was not able to withdraw himselfe out of a Coaches way, but had his guts crushed out so; which he receives from *Papias* the Disciple to Saint *Iohn*, whose times cannot be thought ignorant, or incurious of *Indias* History.

c *Brent. in Act.* 1.18.
d *Oecum. in Collect. Act. Apost.*

2. He dyed not by hanging himself, in the opinion of *Euthymius*, & *Oecum. Papias* S. *Iohns* disciple. and *Theoph.*

And it is there said further, that by others it was said, that being swolne to that vastnesse, and corrupted with vermine, hee laid himselfe down

down upon his field, and there his guts broke out. And this (e) *Theophilact* followes.

And it falls out very often, that some one Father, of strong reputation and authority in his time, doth snatch and swallow some probable interpretation of Scripture: and then digesting it into his Homilies, and applying it in dehortations, and encouragements, as the occasions and diseases of his Auditory, or his age require, and imagining thereupon delightfull and figurative insinuations, and setting it to the Musique of his stile, (as every man which is accustomed to these Meditations, shall often finde in himselfe such a spirituall wantonnesse, and devout straying into such delicacies,) that sense which was but probable, growes necessary, and those who succeed, had rather enjoy his wit, then vexe their owne; as often times we are loath to change or leave off a counterfeit stone, by reason of the well setting thereof.

By this meanes, I thinke, it became so generally to be beleeved, that the fruit which *Eve* eat, was an Apple; And that *Lots* wife was turned to a pillar of Salt; And that *Absalon* was hanged by the haire of the head; And that *Iephthe* killed his Daughter; And many other such, which grew currant, not from an evidence in the Text, but because such an acceptation, was most usefull, and applyable. Of this number, *Judas* case might be.

But

e *Theophilact in Mat.* 7. 3. By what meanes many places of scriptures have beene otherwise accepted, then they intend.

But if it were not, that act of killing himselfe, is not added to his faults in any place of Scriptures, no not in those (f) two Psalmes of particular accusations, and bitter imprecations against him, as they are ordinarily taken to be Prophetically purposed and directed.

And even of this man, whose sinne, if any can exceed mercy, was such, *Origen* durst hope, not out of his erronious compassion, and sinnefull charity, by which he thinks that even the Devill shall be saved, but out of *Iudas* repentance. He sayes, (g) [*The Devill led him to the sinne, and then induced him to that sorrowfulnesse which swallowed him.*] But speaking of his repentance, he sayes, [(h) *Those words, when Iudas saw that he was condemned, belong to Iudas himselfe, for Christ was not then condemned.* And upon this conscience and consideration, began his repentance. [*For, it may be, saith* Origen, *that Satan which had entred into him, staid with him till Christ was betray'd, and then left him, and thereupon repentance followed.*] And perchance, sayes he, he went to prevent, and goe before his Master, who was to dye, and so to meet him with his naked soule, that he might gaine Mercy by his confession and prayers.]

And (i) *Calvine*, (though his purpose be, to enervate and maime, (or at least, declare it to be so defective,) that repentance which is admitted for sufficient in the *Romane Church*, sayes that [*In Iudas there was perfect contrition of heart,*

4 *Iudas* not accused of this in the story, nor in the two prophetical Psalms of him.

f *Psal.* 69. *et* 109.

g *Origens* opinion of his repentance.

g *Ex not. Em. Sá in Mat.* 27.

h *Aquin. catena aurea.*

i *In Mat.* 27. 4.

6. *Calvin* acknowledges all degrees of repentance which the Romane Church requireth, to salvation, to have beene in *Iudas*.

Confession of the mouth, and satisfaction for the money.]

But (k) *Petilian*, against whom Saint *Augustine* writes, proceeded further in justification of *Judas* last act, then any. For hee said, [*That in suffering death when hee repented, and so was a Confessor, hee became a Martyr.*] Which opinion being pronounced singularly and undefensibly; (l) Saint *Augustine* answers as choleriquely, [*Laqueum talibus reliquit.*] Yet Saint *Augustine* himselfe confesseth, that an innocent man, should more have sinned in such an act, then *Judas* did, because in his execution there were some degrees of justice.

But of his actuall impenitence I purposed not to speake, nor of his repentance, but onely to observe to you, that this last fact is not imputed to him, nor repentance said to be precluded thereby.

k 23. q. 5. *Tu dixisti glos.*

7 *Petilians* his opinion of his Martyrdome.

l *Ibid. Si non licet.*

8. *Judas* act had some degrees of justice by S. *Aug.*

SECT.

SECT. VIII.

For the Passive action of *Eleazar*, none denies, but that that endangering of himselfe, was an act of Vertue: yet it was a forsaking and exposing himselfe to certaine Destruction.

1. Of Eleazar *Macab.* 1. 6. 46. *Jos. Ant.* 12. 15.

For every Elephant had thirty two men upon him: and was guarded with one thousand Foot, and five hundred Horse: And this which he slew, was in his opinion, the Kings Elephant, and therefore the better provided.

2. All confess that an act of vertue.

3. The destruction was certaine.

Howsoever hee might hope to escape before the very act of killing the Elephant, by creeping under it, was a direct killing of himselfe, as expressely as *Samson* pulling down the house.

4. He did as much to his owne death as *Samson*.

And the reasons of this action, are rendered in the Text to have been, To deliver his people, and to get a perpetuall name.

5. The reasons of his act in the text,

And this fact doth Saint *Ambrose* extoll by many glorious circumstances; As [*That hee flung away his Target, which might have sheltred him, That despising death, he forced into the midst of the Army, and* Inclusus ruina, magis quam oppressus, suo est sepultus Triumpho; *And that by death he beget peace, as the heire of his valour.*]

6. S. *Ambrose* his extolling thereof.

And as very many Schoolemen have intended and exercised their wits in the praise of this action, So(a) *Cajetan* gives such a reason thereof, as is applyable to very many *Selfe-homicides*. [That to expose our selves to certaine death, if our first end be not our owne death, but common good, it is lawfull. For, saith hee, Our actions which bee Morally good or bad, must bee judged to bee such, by the first reason which moves them; not by any accidente, or concomitance, accompanying, or succeding them, though necessarily.] And this resolution of *Cajetan*, will include many Cases, and instances, which are headlongly by intemperate censures condemned.

a *Cajet. in 16. Iud.*

7. *Cajetanus* his reason for *Eleazers* justification, applyable to very many other cases of *Self-homicide*.

SECT. IX.

The fall of *Rasis*, which is the last Example, is thus reported. [*Hee was besieged and fired, willing to dye manfully, and escape reproach, unworthy of his House, hee fell upon his Sword, for haste, hee miss his stroke, and threw himselfe from the Castle wall, yet rose up againe, and ranne to a high Rocke, broke out his owne bowells, and threw them among the people, calling upon the Lord of life and spirit, and so died.*]

1. *Rasis Mac.* 2. 14.

2. His reasons in the text.

Which Act the Text accuseth not, nor doth St. (a) *Thomas* accuse it of any thing else, but that

a *Aquin. 22. q. 64. ar. 5.*

it

it was Cowardlineſſe. Which alſo (b) *Ariſtotle* imputes to this manner of dying, as wee ſaid (c) before.

But either he ſpoke at that time, ſerviceably and advantagiouſly to the point which hee had then in hand; or elſe hee ſpoke, *ut plurimum*, becauſe for the moſt part infirmities provoke men to this act.

For (d) S. *Auguſtine*, who argues as earneſtly as *Ariſtotle*, that this is not greatneſſe of minde, confeſſeth yet, that in *Cleombrotus* it was: who onely upon reading *Plato* his *Phædo*, killed himſelfe; for, ſaith *Auguſtine*, [*When no calamitie urged him, no crime, either true or imputed, nothing but greatneſſe of minde moved him, to apprehend death, and to breake the ſweet bands of this life.*] And though he adde, [*That it was done rather Magnè then Benè;*] yet by this, that which wee ſeeke now is in Confeſſion, that ſometimes there is in this act, Greatneſſe and Courage. Which upon the ſame reaſon which moved *Ariſtotle*, and all the reſt, which is, to quench in men their naturall love to it, he is loth to afoord in too many caſes.

For hee (e) ſayes [*That, except Lucrece, it is not eaſie to finde any example worth the preſcribing, or imitating, but Cato's. Not becauſe hee onely did it, but becauſe being reputed learned and honeſt, men might juſtly thinke, that that was well done, and might well bee done againe, which hee did.*] Yet for all this, hee is loth to let *Cato*es act paſſe with ſo much

b *Ariſtotelis Ethic. l. 3. c. 7.*

c *Supra fo.* 130 3. Whether it be puſillanimity, as *Aqui. Auguſt.* and *Ariſtot.* ſays.

d *Auguſt. de civit. Dei l. 1. c. 22.*

4. S. *Aug.* confeſſes that to have beene greatnes of mind, in *Cleombrotus.*

e c. 23. 5. How much great examples governe.

much approbation, For hee addes, [That yet many of his learned friends thought it a weakneſſe to let him dye ſo.] And this hee doth becauſe when men have before them the precedent of a brave example, they contend no further, then what he did, not why.

For it is truely ſaid, (f) Examples doe not ſtoppe, nor conſiſt in the Degree where they begunne, but grow, and no man thinkes that unworthy for him, which profiteth another.] Yet, Saint *Auguſtine* though upon this reaſon loth to give glory to many examples, allows all greatneſſe and praiſe to *Regulus*, (g) of whom we ſpoke before: though, to my underſtanding there are in it many impreſſions of falſehood, and of oſtentation, from all which *Caſars* hiſtory is delivered.

And, to end this point, whether it be alwais puſillanimity, *Laertius* ſays (h) [*That in* Antiſthenes *the philoſopher*, videbatur firme mollius, *that lying extreame ſick, and* Diogenes *asking him, if he lacked a freind, (meaning to kill him,) and offering him alſo his dagger, to doe it himſelfe, the Philoſopher ſaid he deſired an end of paine, but not of life.*]

As therefore this fact of *Raſis*, may have proceeded from greatneſſe, So is it by *Lyra* excuſed from all ſin, by reaſons applyable to many other. For he ſayes, [Either to eſcape torment, by which probably a man might be ſeduced to Idolatry, or take away occaſion of making them

f *Vell. Paterc. de morte Grac.*

g *Supra*

h. *Diog. Laer. l. 6.* 6. That it was reputed cowardlines in *Antiſthenes* extreamly ſick not to kill himſelf.

7. Vpon what reaſons *Lyra* excuſeth this and like actions.

them reproach God in him, a man may kill himselfe; For, saith hee, Both these cases, *Ordinantur in Deum.*]

And this (i) *Francis a Victoria* allowes as the more probable opinion.] And (k) *Sotus*, and (l) *Valentia*, follow *Thomas* his opinion herein; And *Burgensis* condemnes it upon this presumption, That hee could not doe this for love of the common good, because this could not redeeme his people, being already captive. So that his accusing him helpes us thus much, that if by his death hee could have redeemed them, hee might lawfully have done it.

i *Relect. de homicid. resp. ad ult. argum.*
k *Sotus l. 2. de just. q. 3. ar. 8.*
l *Valen. to. 3. disp. 1. q. 8.*
8 *Burgensis* reasons confesses he might have had just causes.

Conclusion.

AND this is as farre as I allowed my discourse to progesse in this way: forbidding it earnestly all darke and dangerous Secessions and divertings into points of our Free-will, and of Gods Destiny: though allowing many ordinary contingencies, to be under our Election, it may yet seem reasonable, that our maine periods, of Birth, of Death, and of chief alterati-

1. Why I refraind discourse of destinie herein.

alterations in this life be more immediately wrought upon by Gods determination. It is uſefully ſaid, and appliable to good purpoſe (though (a) by a wicked man, and with intention to croſſe *Moſes*,) [*That man was made of ſhaddow, and the Devil of fire.*] For as ſhaddow is not darknes, but groſſer light, ſo is mans underſtanding in theſe myſteries, not blind but clouded. And as fire doth not always give light (for that is accidentall, and it muſt have aire to work upon,) but it burneth naturally, ſo that deſire of knowledge which the Devill kindles in us, (as he doth as willingly bring bellows to inflame a heart curious of knowledge, as he doth more aſhes to ſtupifie and bury deeper, a ſlumbering underſtanding) doth not alwaies give us light, but it always burnes us, and imprints upon our judgment ſtigmaticall marks, and at laſt ſeares up our conſcience.

a *Alcor. Apo.* 55.

2. Man made of ſhadow and the devill of fire by the Alcoran.

If then reaſons which differ from me, and my reaſons be otherwiſe equall, yet theirs have this diſadvantage, that they fight with themſelves and ſuffer a Civill Warre of contradiction. For many of their reaſons incline us to a love of this life, and a horror of death, and yet they ſay often, that we are too much addicted to that naturally. But it is well noted by (b) *Augustine*, (and I thinke from Saint *Augustine*) [*That though there be three things which we muſt love, yet there is no reaſon given why we ſhould love more then two, God and our neighbour.*] So that the ſtick which

3. Our adverſaries reaſons contradict one another.

b *Aug. Ep.* 23.

4. No præcept given to love our ſelves.

concernes

concerne our ſelves, may be pretermitted in ſome occaſions.

But becauſe of the benefits of death, enough hath beene occaſionally interſerted before, having preſented (c) *Cyprians* encouragement to it, who out of a contemplation that the whole frame of the world decayed and languiſhed, cries to us, [Nutant parietes, *The walls and the roofe ſhake, and would'ſt not thou goe out? Thou art tyred in a pilgrimage, and wouldſt thou not goe home?*] I will end with applying (d) *Auſonius* thanks to the Emperour, to death, which deſerveth it better, [*Thou provideſt that thy benefits, and the good which thou bringeſt ſhall not be tranſitory, and that the ills from which thou delivereſt us, ſhall never returne.*] Since therefore becauſe death hath a little bitternes, but medicinall, and a little allay, but to make it of more uſe, they would utterly recline & avert our nature from it, (as (e) *Paracelſus* ſays, of that foule contagious diſeaſe which then had invaded mankind in a few places, and ſince overflown in all, that for puniſhment of generall licentiouſnes, God firſt inflicted that diſeaſe, and when the diſeaſe would not reduce us, he ſent a ſecond worſe affliction, which was ignorant, and torturing Phyſitians.

So I may ſay of this caſe, that in puniſhment of *Adams* ſinne, God caſt upon us an infectious death, and ſince hath ſent us a worſe plague of men, which accompanie it with ſo much horrour and affrightment, that it can ſcarce be made

5 Encouragements to contempt of death

c *Cypr. Serm. de mortalitate.*

d *Gratiar. act. de conſ.*

e *Chyrurgia mag. de ulcer.*

wholsome and agreeable to us. That which (f) *Hippocrates* admitted in cases of much profit, and small danger, they teach with too much liberty, [*That worse meat may be given to a patient, so it be pleasanter, and worse drink, so it be more acceptable.*] But though I thought it therefore needfull, to oppose this defensative, as well to reencourage men to a just contempt of this life, and to restore them to their nature, which is a desire of supreame happines in the next life by the losse of this, as also to rectify, and wash again their fame, who religiously assuring themselves that in some cases, when wee were destitute of other meanes, we might be to our selves the stewards of Gods benefits, and the Ministers of his mercifull Iustice, had yet, being, (g) as *Ennodius* says) Innocent within themselves, incurred *damnum opinionis*, yet (as I said before) I abstained purposely from extending this discourse to particular rules, or instances, both because I dare not professe my self a Maister in so curious a science, and because the limits are obscure, and steepy, and slippery, and narrow, and every errour deadly, except where a competent dilligence being fore-used, a mistaking in our conscience may provide an excuse.

As to cure diseases by touch, or by charme, (both which one (h) excellent Chirurgian, and one (i) excellent philosopher, are of opinion may be done, because what vertue soever the heavens infuse into any creature, man, who is Al, is capable of,

f *Aphor. 1, 2, 38.*

6. Why I abstaine from particular directions.

g *Ennodius ad Celul.*

7. Laws forbid ordinarie men to cure by extraordinary meanes, yet the Kings of *England*, and *France*, & *Spaine* cure so.

h *Paracelsus Chyrurg. Magastrall. 2. cap. 8. et de transf. cap. 10.*

i *Pet. Pomp. de incant. c. 4.*

of, and being borne when that vertue is exalted, may receive a like impreſſion, or may give it to a word, or character made at that inſtant, if he can underſtand the time) though theſe, I ſay be forbidden by divers Lawes, out of a juſt prejudice that vulgar owners of ſuch a vertue, would miſ-imploy, it, yet none miſlikes that the Kings of *England* & *France*, ſhould cure one ſickneſſe by ſuch meanes, nor (k) that the Kings of *Spaine*, ſhould diſpoſſeſs Dæmoniaque perſons ſo, becauſe Kings are juſtly preſumed to uſe all their power to the glory of God; So is it fit, that this priviledge of which we ſpeak ſhould be contracted and reſtrained.

For, that is certainly true of this, which (l) *Caßianus* ſaith of a ly, [*That it hath the nature of* Ellebore, *wholſome in deſperate diſeaſes, but otherwiſe poyſon.*] though I dare not averre with him, [*That we are in deſperate diſeaſes, whenſoever we are* in ingenti lucro, aut damno, et in humilitate, ad evitandam gloriam.] Howſoever if *Caſſianus* miſtake that, and we this, yet (m) as he, and *Origen*, and *Chryſoſtome*, and *Hierome*, are excuſed for following *Platoes* opinion, that a ly might have the nature of medicine, and be admitted in many caſes, becauſe in their time the church had not declared her ſelf in that point, nor pronounced that a ly was naturally ill, by the ſame reaſon am I excuſable in this Paradox. Againſt the reaſons whereof, and againſt charity, if prejudice, or contempt of my weaknes, or miſ-devo-

exalted

k *Caßanæus catal. glo. mun. par. 5. conſider. 1.*

l *Caßian. l. 17 cap. 17. ad 25.* As *Hier. Orig. Chryſoſt.* and *Caßianus* are excuſed for following *Plato* in the toleration of a ly, becauſe the church had not then pronounced, ſo may it be in this.

m *Obſervat. in Caßian. in fine l. fo. 740.*

tion have so precluded any, that they have not beene pleased to tast and digest them, I must leave them to their drowsines still, and bid them injoy the favour of that indulgent Physitian, *Qui non concoxit, dormiat.*

Cornelius Celsus sent. 15.

FINIS.

20. *Sept.* 1644.

Imprimatur

Io: Rushworth.